

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

NICOLE M STEVENS
Claimant

APPEAL NO: 14A-UI-02069-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/15/13
Claimant: Appellant (2)

Section 96.4-3 – Able and Available/Search for Work

STATEMENT OF THE CASE:

The claimant appealed a department decision dated February 18, 2014, reference 02, that held she was not eligible for benefits for the period from December 22, 2013 through February 1, 2014 for failing to make an adequate search for work. A telephone hearing was held on March 18, 2014. The claimant participated. Claimant Exhibit A was received as evidence.

ISSUE:

Whether the claimant failed to make an active and earnest search for work.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant filed an unemployment claim effective December 15, 2013. She went to the department Creston office to seek on-line claim filing assistance. She did receive work search instruction information.

The department coded her claim as group code #6 that does not require in-person contacts for seeking employment. From December 23 thru February 28, claimant's job search pattern for seeking employment was to go to a prospective employer in person and fill-out a job application and follow-up with a telephone call. She responded to requests for job interviews.

During this work search period ending February 1, the department had denied claimant benefits on her December 13, 2013 employment separation from Wellman Dynamics by a January 7, 2014 decision. She appealed. An Administrative law judge issued a February 5 decision that reversed and allowed claimant benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The administrative law judge concludes claimant is eligible for benefits from December 22, 2013 thru February 1, 2014 as she does meet the availability requirements of the law.

The department assigned claimant a group code #6 work search that does not require in-person job contacts. Claimant's pattern of seeking employment by submitting an in-person job application with a follow-up telephone contact is within the group code requirement. Her search for work record shows at least two weekly job searches.

DECISION:

The department decision dated February 18, 2014, reference 02, is reversed. The claimant made an adequate work search during the period from December 22, 2013 through February 1, 2014 and no availability disqualification is imposed.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs