

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NATHAN A SUK**  
Claimant

**APPEAL NO: 12A-UI-03451-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/05/12**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available/Search for Work  
871 IAC 26.8(5) – Decision on the Record

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated March 21, 2012 reference 02 ,that held he was ineligible for benefits for the five weeks ending March 10, 2012, because he did not make an adequate search for work. A telephone hearing was scheduled for April 18, 2012. The claimant did not participate.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant filed an unemployment claim effective February 5, 2012. Claimant met with a department representative on March 16 reporting he had found recent employment. When asked about not filing claims, he responded he did not make work contacts for the past four weeks.

Claimant failed to respond to the hearing notice.

**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 that the claimant is not eligible for benefits for the five weeks ending March 10, 2012, because he failed to make an adequate work search.

The claimant's admission he failed to search for work to the department representative is credible evidence that supports the availability disqualification.

**DECISION:**

The department decision dated March 21, 2012, reference 02, is affirmed. The claimant is not eligible for benefits for the five weeks ending March 10, 2012.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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