

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROXANNE L ANDERSON
Claimant

APPEAL NO. 10A-UI-02152-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/24/10
Claimant: Appellant (2)

Section 96.4-3 – Active and Earnest Work Search
871 IAC 24.23(27) – Search for Work

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated February 2, 2010, reference 02, that warned her about her search for work for the week ending January 30. A telephone hearing was held on March 26, 2010. The claimant participated.

ISSUE:

The issue is whether the claimant made an adequate search for work.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds that: The claimant made an application for Division Approved Training that was approved by department decision dated February 3rd for the period beginning February 21. The claimant was advised by a department representative she did not need to look for work due to the approved training. The claimant has been looking for since the week ending January 30th in conjunction with her schooling.

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".

871 IAC 24.23(27) provides:

(27) Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

The administrative law judge concludes that the work search warning is removed in this matter. The claimant has been approved for training that does not require a work search. Although the training did not begin until February 21, the claimant relied upon department advice that she did not need to search for work that is the reason she lacked job contacts for the week ending January 30.

DECISION:

The decision of the representative dated February 2, 2010, reference 02, is reversed. The work search warning is removed from the claimant's claim record.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs