

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOUGLAS C ROBBINS
Claimant

APPEAL NO: 08A-UI-07674-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/06/08 R: 04
Claimant: Appellant (2)**

Section 96.4-3 - Active Search for Work

STATEMENT OF THE CASE:

Douglas C. Robbins (claimant) appealed a representative's August 5, 2008 decision (reference 02) that warned him that he had failed to make the minimum job contacts during the week ending August 2, 2008. The claimant waived notice of hearing in this matter and the appeal was consolidated for hearing with a related appeal, 08A-UI-07165-DT, for which hearing notices were mailed and a telephone hearing was held on August 27, 2008. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the work search warning issued to the claimant appropriate in this case?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective July 6, 2008. On July 30, 2008, a representative's decision was issued as reference 01 which concluded that the claimant was no longer "temporarily unemployed" and that he was therefore required to conduct a weekly active search for work. The decision in this case was issued as a result of that decision when the claimant did not reflect two work search job contacts for that week, which ended August 2. In the concurrently issued decision in 08A-UI-07165-DT, the administrative law judge has reversed the representative's decision which concluded the claimant was subject to the work search requirement.

REASONING AND CONCLUSIONS OF LAW:

Under Iowa Code § 96.4-3, the normal weekly work search requirement 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." As determined in the concurrently issued decision in appeal 01A-UI-07165-DT, this is precisely the claimant's situation. He is not subject to the work search requirement under his current circumstances. The warning issued to him was not warranted.

DECISION:

The unemployment insurance decision dated August 5, 2008 (reference 02) is reversed. The claimant was exempt from having to make an active search for work during the week ending August 2, 2008. Therefore, the warning issued to him was not warranted and shall be removed from his benefit history.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css