

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTIN M APEL
Claimant

APPEAL NO. 13A-UI-05612-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/21/12
Claimant: Appellant (1)**

Iowa Code §96.4(3) - Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant, Kristin Apel, filed an appeal from a decision dated May 7, 2013, reference 02. The decision found the claimant had not made an active search for work for the week ending. After due notice was issued a hearing was held by telephone conference call on June 18, 2013. The claimant participated on her own behalf.

ISSUE:

The issue is whether the claimant made an earnest and active search for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant claimed benefits for the week ending May 4, 2013. The claimant did not make two in-person work searches for that week.

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 claimant has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending May 4, 2013, was not made. Accordingly, the warning remains in effect.

DECISION:

The representative's decision of May 7, 2013, reference 02, is affirmed. Kristin Apel did not make two job contacts for the week ending May 4, 2013.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs