

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>DONOVAN X DENNIS</b> Claimant  <b>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</b>	68-0157 (9-06) - 3091078 - EI  <b>APPEAL NO: 13A-UI-07568-ST</b>  <b>ADMINISTRATIVE LAW JUDGE DECISION</b>   <b>OC: 12/16/12</b> <b>Claimant: Appellant (2)</b>
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Section 96.4-3 – Able and Available/Search for Work

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated June 21, 2013, reference 01, that warned him for failing to make an adequate search for work. A telephone hearing was held on August 22, 2013. The claimant did not participate.

**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 16, 2012, and re-opened an extended benefit claim effective May 5, 2013. The department coded his claim as group code #6 and he is authorized to search for work by use of résumé. Claimant is not required to make two in-person weekly job searches.

Claimant was not available when called at the number he provided.

**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 not required to search for work by weekly in-person job contacts, and the department warning is removed from his claim.

**DECISION:**

The department decision dated June 21, 2013 reference 01, is reversed. The warning is removed.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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