

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ADAM J GARRELTS
Claimant

APPEAL NO. 10A-UCX-00020-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 12-13-09
Claimant: Appellant (2)**

Iowa Code § 96.4(3) - Adequate Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 21, 2010, reference 01, decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made but did not deny benefits for that week. After due notice was issued, a hearing was held on June 28, 2010. The claimant did participate in the hearing.

ISSUE:

The issue is whether the warning to make two or more in-person job contacts per week is appropriate.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of December 13, 2009. During the week ending April 17, 2010, the claimant failed to conduct at least two in-person work searches. The claimant's testimony that he was available for work the week of the claim is credible and he is enrolled in Department-Approved Training, exempting him from the requirements of work searches.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 that claimant was available for work the week ending April 17, 2010. Furthermore, the able and available requirement is waived due to claimant's DAT status pursuant to 871 IAC 24.39(2). Accordingly, the warning was inappropriate.

DECISION:

The April 21, 2010, reference 01, decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was inappropriate.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw