

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEFF WOODS**  
Claimant

**APPEAL NO: 06A-UI-10088-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 08-27-06 R: 04  
Claimant: Appellant (2)**

Section 96.4-3 – Adequate Work Search  
Section 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 3, 2006, 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. After due notice was issued, a hearing was held before Administrative Law Judge on October 31, 2006. Department's Exhibit D-1 was admitted into evidence.

**ISSUE:**

Whether the claimant failed to make an active and earnest search for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: A disqualification decision was mailed to the claimant's last-known address of record on October 3, 2006. The claimant received the decision October 17, 2006, and filed his appeal on that date. Consequently, the administrative law judge concludes the claimant's appeal is timely.

The claimant filed a claim for unemployment insurance benefits with an effective date of August 27, 2006. During the week ending September 30, 2006, the claimant made two in-person work searches but hit the wrong button when calling in to report his job contacts.

**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 is obligated to make at least two in-person work searches during each week benefits are claimed. The claimant did so. Accordingly, the warning was inappropriate.

**DECISION:**

The October 3, 2006, reference 01, decision is reversed. The claimant's appeal is timely. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was inappropriate.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs