

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

EMILY D VAN WEY
Claimant

APPEAL 15A-UI-12514-DGT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/19/15
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 3, 2015, (reference 04) that held claimant not able to and available for work. After due notice, a hearing was scheduled for and held on December 1, 2015. Claimant participated personally.

ISSUE:

The issue in this matter is whether claimant is able and available 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 October 17, 2015. The claimant did not make two in-person work searches for that week because she did not know she had to at that time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not made an active and earnest search for work.

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The claimant has not sufficiently demonstrated to the satisfaction of the administrative law judge that an active and earnest search for work was completed for the week ending October 17, 2015. Accordingly, benefits are denied for that one-week period only.

DECISION:

The November 3, 2015, reference 04, decision is affirmed. The claimant did not make an active and earnest search for work for the week ending October 17, 2015. Benefits are denied for that one-week period.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/css