

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JANIS M BAKAN
Claimant

APPEAL NO: 12A-UI-01704-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/16/11
Claimant: Appellant (1)

Section 96.4-3 – Able and Available/Search for Work

STATEMENT OF THE CASE:

The claimant appealed a department decision dated February 14, 2012, reference 02, that warned her for failing to make a search for work. A telephone hearing was held on March 7, 2012. The claimant participated.

ISSUE:

Whether claimant should be warned about her search for work.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant learned when filing her claim that she needed to make two employer job search contacts each week. She became ill the week ending February 11, 2012, and did not feel well enough to make in-person job searches. While she did look at job possibilities on-line, she did not submit any employment applications.

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 administrative law judge concludes the work search warning should be sustained. The claimant was unable to satisfy the work search requirement due to illness for the week, but no benefit disqualification is imposed.

DECISION:

The department decision dated February 14, 2012, reference 02, is affirmed. The warning is sustained.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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