

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY GRAFF
Claimant

APPEAL NO: 10A-EUCU-00472-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11-08-09
Claimant: Appellant (2)

Section 96.4-3 - Adequate Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 18, 2010, reference 05, 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 scheduled before Administrative Law Judge Julie Elder on June 26, 2010. The claimant's phone blocked the administrative law judge's calls. As a result he did not participate in the hearing.

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 November 8, 2009. During the week ending May 15, 2010, the claimant failed to conduct at least two in-person work searches. However, the claimant has been approved for Department Approved Training (DAT) and as a result he is not required to make work searches.

ISSUE:

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

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 not obligated to make at least two in-person work searches during each week benefits are claimed because he is on DAT. Accordingly, the warning was inappropriate.

DECISION:

The May 18, 2010, reference 05, 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 because the claimant is on DAT.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs