

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARL F LINDSTROM**  
Claimant

**APPEAL NO. 08A-UI-06082-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02-10-08 R: 03  
Claimant: Appellant (1)**

Iowa Code § 96.4(3) - Adequate Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 1, 2008, reference 02, 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 July 17, 2008. The claimant did participate in the hearing.

**ISSUE:**

The issue is whether the warning for failure to make two job contacts was 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 July 1, 2008. During the week ending June 28, 2008, 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. The claimant was laid off on Wednesday, June 25, and applied for another job that he thought he would be offered. He did not make any other work searches that week because he thought he would be offered a job at the one place where he had made application.

**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 June 28, 2008. Accordingly, benefits are allowed. The claimant is obligated to make at least two in-person work searches during each week benefits are claimed. Even if the claimant believed he would be offered a job for which he had made application, he was still required to make at least two in-person work searches. The claimant failed to do so. Accordingly, the warning was appropriate.

**DECISION:**

The July 1, 2008, reference 02, decision is affirmed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was appropriate.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/css