

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AUDREY SMITH
Claimant

APPEAL 15A-UI-10435-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/10/15
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 3, 2015, (reference 05), unemployment insurance decision that denied benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on October 1, 2015. Claimant participated. Official notice was taken of official records.

ISSUE:

Did the claimant 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: The claimant claimed benefits for the week ending August 1, 2015. The claimant did not make two in-person work searches for that week. The claimant had many issues going on in her personal life, including a move to Florida, a divorce, her husband in jail and her two daughters having issues in school.

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 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 had personal issues that were impacting her but the law still requires she make the work searches. She did not, thus she is not considered able to and available for work for the week ending August 1, 2015. Accordingly, benefits are denied.

DECISION:

The September 3, 2015, reference 05, decision is affirmed. The claimant did not make an active and earnest search for work for the week ending August 1, 2015. Benefits are denied.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs