

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JANE SMALL**  
Claimant

**APPEAL NO: 10A-UI-00277-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12-20-09**  
**Claimant: Appellant (2)**

Section 96.4-3 - Adequate Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 4, 2010, reference 01, 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 held before Administrative Law Judge Julie Elder on February 13, 2010.

**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 December 20, 2009. During the week ending December 26, 2009, the claimant failed to conduct at least two in-person work searches. The claimant received a letter terminating her employment December 24, 2009, and filed for benefits that day, not realizing she would have to make two in-person contacts that week, which included Christmas Day the following day, and leaving December 26, 2009, as the only day she could make the contacts. She has made two in-person job contacts every week after that.

**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 obligated to make at least two in-person work searches during each week benefits are claimed. The claimant failed to do so but had good cause because the following day was Christmas Day, which left her one day to make two in-person contacts, and she was not aware when she filed she was required to make the two in-person job contacts at all. She has made all of her required work searches since that week. Accordingly, the warning was inappropriate.

**DECISION:**

The January 4, 2010, reference 01, 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.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/css