

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY J ANDERSON
Claimant

APPEAL NO: 10A-UI-04973-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/27/09
Claimant: Appellant (1)**

Section 96.4-3 - Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a March 23, 2010, reference 01, decision that warned claimant he did not make appropriate in-person work search contacts for the week ending March 20, 2010. After due notice was issued, a hearing was held on May 8, 2010, with the claimant participating. Exhibit A was admitted into evidence.

ISSUE:

Whether claimant made adequate work searches.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's testimony that appropriate one in-person work search was made is credible. Claimant understood he needed to make two searches. Claimant went out of town for part of the week but was able and available for work should an offer been made. Claimant is able and available for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not made appropriate in-person work search contacts.

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".

Accordingly, the warning stands. Claimant is however, still able and available for work for the week ending March 20, 2010.

DECISION:

The March 23, 2010 reference 01, decision is affirmed. The claimant did not make appropriate in-person work search contacts for the week ending March 20, 2010. The warning remains on claimant's record. Benefits are allowed, provided the claimant is otherwise eligible. No overpayment shall result from this decision.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css