

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERI L TREVILLYAN
Claimant

APPEAL NO. 08A-UI-11349-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/16/08 R: 02
Claimant: Appellant (1)**

Section 96.4-3 – Adequate Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 2, 2008, reference 01, decision. The decision warned 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 via telephone conference call on December 17, 2008. The claimant did participate in the hearing. Participating as a witness for the claimant was Ms. Anna Kieler.

ISSUE:

The issue is whether the claimant is able to work and available for work effective November 29, 2008.

FINDINGS OF FACT:

Having reviewed all 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 16, 2008. During the week ending November 29, 2008, the claimant failed to conduct at least two in-person work searches. The claimant's testimony that she is available for work is credible. After being reminded by the warning of the required in-person work search each week, the claimant has been conducting in-person work searches and correctly reporting them.

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 has sufficiently demonstrated to the satisfaction of the administrative law judge that the claimant is able and that the claimant was available for work for the week ending November 29, 2008. Accordingly, benefits are allowed. 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. Accordingly, the warning was appropriate.

DECISION:

The December 2, 2008, reference 01, 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.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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