

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VON E FULENWIDER
Claimant

APPEAL NO. 14A-UI-00137-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/27/13
Claimant: Appellant (2)

Iowa Code § 96.4(3) - Adequate Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 31, 2013, 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 but did not deny benefits for that week. After due notice was issued, a hearing was scheduled to be held on January 29, 2014. A review of the claimant's appeal letter and agency records established that no testimony from the claimant was needed and no hearing was held.

ISSUE:

The issue is whether the warning to make two or more in-person job contacts per week is 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 October 27, 2013. During the week ending December 28, 2013, the claimant failed to conduct at least two in-person work searches. The claimant was on a layoff from John Deere and was notified that he would be called back to work. The claimant was able to and available for work during the week ending December 28, 2013.

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 claimant was available for work the week ending December 28, 2013. Accordingly, the warning was inappropriate.

DECISION:

The December 31, 2013, 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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs