

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**MARK L FREDREGILL
3000 UNIVERSITY AVE APT 4
WEST DES MOINES IA 50266-1210**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-06340-H2T
OC: 04-30-06 R: 02
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 - Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 14, 2006, reference 04, decision that denied benefits. After due notice was issued, a hearing was held on July 31, 2006. The claimant did not participate. The administrative law judge tried to call the claimant at the number he provided he could be reached at for the hearing, but was notified that his cell phone was no longer in service. The administrative law judge has reviewed the file, the claimant's appeal letter as well as the Agency benefit payment records and concludes that no additional testimony is necessary.

ISSUE:

Did the claimant make an active and earnest search for work for the week ending June 10, 2006?

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 June 10, 2006. The claimant did make two in-person work searches for the week ending June 10, 2006. When the claimant called in his claim for the week on June 11, 2006, he was informed that the system was experiencing trouble and he was to call back later. In his appeal letter the claimant indicated that he did make the requisite work searches and tried to input that information into the computer via his cell phone, but was not successful due to problems with the phone line or the agency computer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has made an active and earnest search for work.

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 an active and earnest search for work for the week ending June 10, 2006. Accordingly, benefits are allowed.

DECISION:

The June 14, 2006, reference 04, decision is reversed. The claimant did make an active and earnest search for work for the week ending June 10, 2006. Benefits are allowed, provided the claimant is otherwise eligible.

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