

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ZACHARY ROHLF**  
Claimant

**APPEAL NO. 09A-UI-06798-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/05/09**  
**Claimant: Appellant (2-R)**

Section 96.4-3 – Adequate Work Search

**STATEMENT OF THE CASE:**

Zachary Rohlf (claimant) appealed a representative's April 27, 2009, decision (reference 01) that concluded he had made fewer than the required two in-person job contacts and that a warning should be issued. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on May 29, 2009. The claimant participated personally. The claimant offered and Exhibit A was received into evidence.

**ISSUE:**

The issue is whether the claimant is actively and earnestly seeking work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits on April 5, 2009. The claimant is a union member and sought work through his union hall. When filing his weekly report the claimant pushed an incorrect button. For the week ending April 18, 2009, the claimant sought work at his union hall.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant is actively and earnestly seeking 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 sought work through his union hall for the week ending April 18, 2009. Making two in-person contacts is evidence of earnestly and actively seeking work. The evidence does support a finding that the claimant was earnestly and actively seeking work and, therefore, the warning shall be rescinded.

The issue is remanded to the Claims Section to have the claimant's group code be changed to union contacts.

**DECISION:**

The representative's April 27, 2009 decision (reference 01) is reversed. The warning shall be rescinded. The issue is remanded to the Claims Section to have the claimant's group code be changed to union contacts.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs