

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GWENDOLYN B JONES
Claimant

APPEAL NO. 13A-UI-12719-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/12/13
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 5, 2013, reference 02, decision that warned claimant to make at least two in-person work search contacts per week but did not deny benefits for the week ending November 2, 2013. After due notice was issued, a telephone hearing was held on December 9, 2013. Claimant participated.

ISSUE:

The issue is whether claimant made an adequate work search for the week ending November 2, 2013 and if the warning was appropriate.

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 November 2, 2013. She did not make two in-person work searches for that week. The type of work the claimant is looking for, office manager and medical secretarial work which requires she search for work by resume. The claimant is currently classified as a 'group 2' worker thus required to make in-person job searches. She is more appropriately classified as a group 6 claimant as the type of work she is seeking is obtained via resume searches.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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".

871 IAC 24.2(1)c(6) provides: "Group "6" claimants are those individuals whose occupations are of a nature that utilize résumés or who are normally unable, due to factors such as occupation, distance, etc., to make in-person contacts for employment."

The claimant is obligated to make at least two in-person or résumé work searches during each week benefits are claimed. The claimant did so. Accordingly, the warning was not appropriate. The claimant shall be allowed to conduct résumé work searches.

DECISION:

The November 5, 2013, reference 02, decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was not appropriate. The claimant's work search designation shall be changed to reflect résumé work searches effective November 2, 2013.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs