

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA J MADDEN
Claimant

APPEAL NO: 10A-UI-12655-SW

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/13/10
Claimant: Appellant (2)

Section 96.4-3 - Active Work Search

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 1, 2010, reference 01, that warned that the claimant had failed to make two in-person job contacts for the week ending August 28, 2010. A telephone hearing was held on January 24, 2011. The claimant participated in the hearing.

ISSUE:

Did the claimant actively search for work?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of June 13, 2010. The claimant works full time for H & R Block during the tax season and part-time during weeks when H & R Block needs her. She also has worked part-time for American Greeting Cards. Over the summer months, she worked in a temporary position with the United States Census from April 30 to August 15, 2010. When she reapplied for benefits in June 2010, she was working substantial hours for the Census Bureau. After August 15, the claimant continued to work part time for American Greeting Cards and H & R Block when needed. The claimant has been classified a person in Group Code 3 who is not required to look because she is working a reduced workweek or is temporarily unemployed due to lack of work from her regular employer. In August 2010 and up to today, the claimant has been classified a person in Group Code 6 who is permitted to make resume contacts.

The claimant did not make two job contacts during the week ending August 28. After the week ended, she filed a weekly claim for benefits using the voice response system. The claimant reported that she had made zero job contacts. Based on that response, the agency issued a warning that the claimant could be disqualified in a future week if she failed to make two in-person job contacts.

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".

The warning was unwarranted because the claimant's work search should have been waived under Iowa Code § 96.4-3.

DECISION:

The unemployment insurance decision dated September 1, 2010, reference 01, is reversed. The agency shall remove the warning from its records since issuance of the warning was unwarranted.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs