

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>MARY HALL</b> Claimant  <b>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</b>	<div>68-0157 (9-06) - 3091078 - EI</div> <div><b>APPEAL NO. 10A-UI-14960-ET</b>  <b>ADMINISTRATIVE LAW JUDGE DECISION</b></div> <div><b>OC: 02-14-10</b> <b>Claimant: Appellant (2)</b></div>
--	---

Section 96.4-3 - Adequate Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 26, 2010, reference 03, decision that 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. After due notice was issued, a hearing was held before Administrative Law Judge Julie Elder on November 17, 2010.

**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 February 14, 2010. During the week ending October 23, 2010, the claimant did conduct at least two in-person work searches and did indicate that when calling in her claim; and although the warning letter she received stated she made the two in-person job contacts, she was still issued a warning letter, which appears to have been done in error.

**ISSUE:**

Whether the claimant failed to make an active and earnest search for work.

**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 is obligated to make at least two in-person work searches during each week benefits are claimed. The claimant did so. Accordingly, the warning was inappropriate.

**DECISION:**

The October 26, 2010, reference 03, 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.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/kjw