

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT M JAMES
Claimant

APPEAL NO: 13A-UI-10630-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/25/13
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available/Search for Work

STATEMENT OF THE CASE:

The claimant appealed a department decision dated September 9, 2013, reference 01, that warned him for failing to make a search for work the week ending August 31. A telephone hearing was held on October 9, 2013. The claimant did not participate.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record finds: The claimant separated from employment at Claremont LLC on August 16, 2013, and the department issued a decision that allowed benefits. As to the required work search, claimant was coded group code 2 that required him to search for work. When claimant claimed for benefits the week ending August 31 he did not list any in-person job contact.

Claimant failed to respond to the hearing notice by calling UI Appeals and providing a telephone to be called for the hearing. The APLT record showed no claimant call in.

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 administrative law judge concludes claimant is warned for failing to make an adequate search for work. Claimant appeal letter information explains what happened but it does not excuse his in-person work search requirement for the week ending August 31.

DECISION:

The department decision dated September 9, 2013, reference 01, is affirmed. The warning is affirmed. NOTE: This is only a warning and it does not impose any benefit disqualification.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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