

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FRANK J GIUNTA
Claimant

APPEAL NO. 07A-UI-04534-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/08/07 R: 04
Claimant: Appellant (2)**

Section 96.4(3) – Active and Earnest Search for Work Requirement

STATEMENT OF THE CASE:

Frank Giunta filed a timely appeal from the April 24, 2007, reference 01, decision that warned him he was required to make two in-person job contacts during each week he claimant unemployment insurance benefits. After due notice was issued, a hearing was held on May 21, 2007. Mr. Giunta participated.

ISSUE:

Whether the claimant made an active and earnest search for work during the benefit week that ended April 21, 2007.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Frank Giunta established a claim for unemployment insurance benefits that was effective April 8, 2007 but has not yet received benefits. At the time Mr. Giunta established his claim for benefits, he was classified as a claimant who should be required to make in-person job contacts. Mr. Giunta has historically performed work in commercial kitchens. Mr. Giunta has made his weekly report to the Agency via the automated telephonic reporting system. For the benefit week that ended April 21, 2007, Mr. Giunta reported two job contacts, but reported these were not in-person job contacts. During the week in question, Mr. Giunta needed to be with his mother as she underwent surgery. During the week in question, Mr. Giunta made telephone contact with a prior acquaintance who is the manager at Village Inn in Dubuque regarding possible job openings. During the same week, Mr. Giunta also made telephone contact with the kitchen manager at Thunder Hills Country Club, whom he had not previously met. Mr. Giunta has since secured new full-time employment and is set to commence that employment on June 1, 2007.

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 evidence in the record indicates that despite the need to be with his mother as she underwent surgery, Mr. Giunta continued to make a good faith effort to search to work during the benefit week that ended April 21, 2007.

DECISION:

The Agency representative's April 24, 2007, reference 01 is reversed. The claimant was actively and earnestly engaged in a search for work during the benefit week that ended April 21, 2007. Benefits are allowed, provided the claimant is otherwise eligible.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs