

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LANETTE B JONES**  
Claimant

**APPEAL NO: 13A-UI-00322-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/26/12**  
**Claimant: Appellant (2)**

Section 96.4-3 – Able and Available/Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a January 2, 2013, reference 02, decision that found the claimant ineligible for benefits for the week ending December 29, 2012, because of inadequate in-person work search contacts. After due notice was issued, a hearing was scheduled but not held because claimant's appeal letter explained the circumstances. Exhibit A was admitted into evidence.

**ISSUE:**

Whether claimant made adequate work searches.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's appeal letter is credible. During the week in which claimant filed a telephone claim, claimant reported no job contacts because she was on a short-term layoff. Claimant did not realize that short-term layoff status expires.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant's failure to make in person contacts is excusable. Accordingly, the warning is removed.

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".

**DECISION:**

The January 2, 2013 reference 02, decision is reversed. The claimant did make appropriate in-person work search contacts for the week ending December 29, 2012. The warning is removed.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/tll