

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ERIK L RODRIGUEZ
Claimant

APPEAL NO. 11A-UI-13296-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04-10-11
Claimant: Appellant (1)

Iowa Code § 96.4(3) - Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 27, 2011, reference 02, decision that denied benefits due the claimant's failure to make adequate work searches. After due notice was issued, a hearing was held on November 2, 2011. The claimant did participate. Claimant's Exhibit A was entered and received into the record.

ISSUE:

Did the claimant make sufficient work searches so as to render him able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was denied training benefits and dropped out of school. He was specifically told that if he was not approved for training through his school program and that if he was not enrolled in and attending school that he would be required to make work searches. The claimant did not make the required work searches for the three weeks ending September 17, 2011.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not made an active and earnest search for work and was thus not able to and available for work.

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 claimant was not approved for department training and dropped out of school. He was notified of his obligation to make in-person job searches and did not do so for the three weeks ending September 17, 2011. Accordingly, benefits are denied.

DECISION:

The September 27, 2011, reference 02, decision is affirmed. The claimant did not make an active and earnest search for work for the three weeks ending September 17, 2011. Benefits are denied.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs