

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DENNIS L KINNIEBREW**  
Claimant

**APPEAL 18A-UI-06340-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 02/11/18  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the June 1, 2018, (reference 09) decision that denied benefits finding the claimant had not made an active and earnest search for work. After due notice was issued, a hearing was held by telephone conference call on June 27, 2018. Claimant participated. Claimant's Exhibit A was received.

**ISSUE:**

Did the claimant make an active and earnest search for work for the period in question?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of February 11, 2018. Claimant had a medical situation that was not resolved until March 15, 2018, when he was released to return to work by his doctor without work restrictions. Claimant is not seeking benefits until the week ending March 24, 2018. Claimant was able to and available for work effective March 18 and began making the required work searches the week that began March 18, 2018.

Claimant's Exhibit A along with the credible testimony of the claimant establishes that the claimant was making the required job searches each week he claimed benefits beginning with the week ending March 24, 2018.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant has made an active and earnest search for work.

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 has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending March 24, 2018 through date of hearing. Accordingly, benefits are allowed effective March 18, 2018 for the week ending March 24, 2018.

**DECISION:**

The June 1, 2018, (reference 09), decision is reversed. The claimant did make an active and earnest search for work for the week ending March 24, 2018 through date of hearing. Benefits are allowed effective March 18, 2018, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/rvs