

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIEL BACCAM**  
Claimant

**APPEAL NO. 12A-UI-14519-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11-11-12**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the November 30, 2012, reference 01, decision that warned claimant to make at least two in-person work search contacts per week but did not deny benefits for the week ending November 17, 2012. Claimant's appeal letter was sufficient to resolve the issue and no hearing was held.

**ISSUE:**

The issue is whether claimant made an adequate work search for the week ending November 17, 2012 and if the warning was appropriate.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant claimed benefits for the week ending November 17, 2012. He made the appropriate and required work searches for the week in question.

**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".

871 IAC 24.23(28) provides:

(28) A claimant will be ineligible for benefits because of failure to make an adequate work search after having been previously warned and instructed to expand the search for work effort.

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending November 17, 2012. Accordingly, the warning was inappropriate and shall be removed from his record.

**DECISION:**

The November 30, 2012, reference 01, decision is reversed. The claimant did make an active and earnest search for work for the week ending November 17, 2012. Therefore, the warning was inappropriate.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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