

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATE E ALLEN
Claimant

APPEAL NO. 10A-UI-00867-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 11/01/09
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available/Search for Work

STATEMENT OF THE CASE:

The claimant appealed a department decision dated January 13, 2010, reference 01, that warned her for failing to make a search for work. A telephone hearing was held on February 24, 2010. The claimant participated.

ISSUE:

Whether the claimant failed to make an active and earnest search for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered the evidence in the record, finds: The claimant went to the Coral Ridge Mall and sought employment at Rue 21 and Journeys during the week ending January 9, 2010. Both employers requested she submit an application online, and she complied. When the claimant was visiting with a department representative about her training application, she forgot to list the job searches. The department granted the claimant D.A.T. by a decision dated January 15, 2010.

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 administrative law judge concludes that the department warning is removed from claimant's claim, as she made two in-person job contacts for the week ending January 9, 2010. The claimant made an inadvertent record err while working with a department representative to complete her training application, which was approved.

DECISION:

The department decision dated January 13, 2010, reference 01, is reversed. The warning is removed.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw