

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AARON D TJADEN
Claimant

APPEAL NO: 13A-UI-09208-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/21/13
Claimant: Appellant (2)**

Section 96.4-3 - Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed an appeal from an August 6, 2013, reference 01, decision that found the claimant ineligible for benefits for the week ending August 3, 2013, because of inadequate in-person work search contacts. After due notice was issued, a hearing was held on September 16, 2013, with the claimant participating. 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 testimony that appropriate in-person work searches were made is credible. During the first week in which claimant filed a telephone claim zero job contacts were reported. Workforce had instructed claimant that he did not need to make contacts because he was on short-term layoff.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not made appropriate in-person work search contacts.

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 that inappropriate in-person work search contacts made for the week ending August 3, 2013 are excusable. Claimant had paperwork from Workforce telling him he did not need to make contacts. Accordingly the warning is removed.

DECISION:

The August 6, 2013, reference 01, decision is reversed and the warning removed. Benefits are allowed, provided the claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css