

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LEWIS A BAUSTIAN
Claimant

APPEAL 15A-UI-04486-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/14/14
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 April 2, 2015, (reference 05), unemployment insurance decision that denied benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on May 18, 2015. Claimant's appeal letter was sufficient to resolve the issue and no hearing was held.

ISSUE:

Was the claimant able to and available for work for the week ending February 28, 2015?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant accepted full-time work during the week in question. Once he accepted full-time work he was no longer obligated to continue looking for work.

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 § 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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that he had accepted a full-time offer of work, thus he was no longer obligated to look for work.

DECISION:

The April 2, 2015, reference 05, decision is reversed. The claimant was no longer obligated to make an active and earnest search for work for the week ending February 28, 2015 because he has already accepted full-time work. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css