

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT CLANCY
Claimant

APPEAL NO: 12A-EUCU-00172-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/04/11
Claimant: Appellant (1-R)

Section 96.4-3 - Able to, Available for, and Actively Seeking Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 30, 2012, reference 01, that warned that the claimant had failed to make two in-person job contacts for the week ending May 26, 2012. A telephone hearing was scheduled for June 28, 2012. The claimant failed to participate in the hearing. Based on the administrative file and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

ISSUES:

Did the claimant actively search for work for the week ending May 26, 2012?

Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of September 4, 2011. At the time the claimant filed for benefits, the claimant was informed and understood that he was required to actively seek work by personally contacting two employers each week seeking employment.

The claimant made zero job contacts during the week ending May 26, 2012. After the week ended, the claimant filed a weekly claim for benefits using the voice response system. The claimant reported that he had not made two job contacts. Based on that response, the agency issued a warning that the claimant could be disqualified in a future week if he failed to make two job contacts.

The reason the claimant did not make job contacts for the week ending May 26, 2012, was because he was in the hospital that week.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3.

871 IAC 24.23(28) provides a claimant disqualified for being unavailable for work if the claimant fails to make an adequate work search after having been previously warned and instructed to expand the search for work effort.

The claimant failed to make an active search for work in accordance with the law and the instructions given to him for the week ending May 26, 2012. The warning was therefore warranted. The claimant also was ineligible for benefits for the week because he was hospitalized and unable to work.

DECISION:

The unemployment insurance decision dated May 30, 2012, reference 01, is affirmed. The claimant failed to make an active search for work during the week ending May 26, 2012, and was properly warned. He is ineligible for benefits for the week because he was hospitalized and unable to work. The issue of whether the claimant was overpaid unemployment insurance benefits is remanded to the Agency.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw