

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LUCUS A JOHNSTON**  
Claimant

**APPEAL NO: 12A-UI-12798-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/30/12**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated October 15, 2012, reference 03, that warned him for failing to make a search for work. A telephone hearing was held on November 20, 2012. 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 understood at the time he filed his claim he needed to make at least two in-person job searches each week. When he called in his claim for the week ending October 6, he had a bad telephone connection. He had made two in-person job contacts for the week, but misunderstood a department question, which caused him to make a negative response that he had.

**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 his claim. Claimant offered a good cause as to why he failed to properly record that he had made the required work search for the week ending October 6, 2012.

**DECISION:**

The department decision dated October 15, 2012, reference 03, is reversed. The warning is removed.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw