

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of June 26, 2005. The claimant has a back injury and cannot do much physical work. The claimant receives workers' compensation benefits.

The claimant filed a claim for the week ending September 17, 2005. The claimant did not make any job contacts this week.

REASONING AND CONCLUSIONS OF LAW:

Before a claimant can be considered eligible to receive weekly unemployment insurance benefits, he must be able to and available for work and he must make an active search for work. Iowa Code §96.4-3. The administrative rule states an individual shall be ineligible for benefits for any period for which the department finds the individual failed to make an earnest and active search for work. An individual must make a sincere effort to find a job. 871 IAC 24.22(3).

The facts indicate the claimant is allowed to send resumes to meet his work search requirements. The claimant was in obvious pain at the time of the hearing and did not believe he made any work search efforts for the week ending September 17, 2005. Therefore, the warning he received in the September 20 decision is justified.

Based on the claimant's testimony, issues of whether the claimant is able to and available for work, whether any workers' compensation benefits should be deducted from his maximum weekly benefits and whether he has been overpaid any unemployment insurance benefits are remanded to the Claims section to investigate and issue a written decision.

DECISION:

The representative's September 20, 2005 decision (reference 04) is affirmed. The claimant did not make an active search for work the week ending September 17, 2005. The warning the claimant received is warranted. Issues of whether the claimant is able to and available for work, whether workers' compensation benefits the claimant receives should be deducted from his maximum weekly benefit amount and whether he has been overpaid are remanded to the Claims Section to investigate and issue a written decision.

dlw/s