

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WENDY R KIMM**  
Claimant

**APPEAL NO. 09A-UI-00434-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03-30-08 R: 03  
Claimant: Appellant (2)**

Section 96.4-3 – Adequate Work Search  
871 IAC 24.2(1)c(6) – Résumé Work Searches

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 6, 2009, reference 02, decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made. After due notice was issued, a hearing was scheduled to be held on January 27, 2009. The claimant reported to her local office and had her status changed from in-person job searches to résumé searches.

**ISSUE:**

The issue is whether the warning was appropriate.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of March 30, 2008. During the week ending January 3, 2009, the claimant failed to conduct at least two in-person work searches. She conducted those by résumé after an individual from a local workforce development office advised her it was permissible. She is seeking employment in the in areas which customarily seeks employees through résumé submissions.

**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".

871 IAC 24.2(1)c(6) provides: "Group "6" claimants are those individuals whose occupations are of a nature that utilize résumés or who are normally unable, due to factors such as occupation, distance, etc., to make in-person contacts for employment."

The claimant is obligated to make at least two in-person or résumé work searches during each week benefits are claimed. The claimant did so. Accordingly, the warning was not appropriate. The claimant shall be allowed to conduct résumé work searches.

**DECISION:**

The January 6, 2009, reference 02, decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was not appropriate. The claimant's work search designation shall be changed to reflect résumé work searches effective January 27, 2009.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs