

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEVEN D MOSS**

Claimant

**APPEAL NO. 11A-UI-00893-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/21/10**

**Claimant: Appellant (1)**

Section 96.4-3 – Adequate Work Search

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the December 28, 2010, reference 03, decision that warned the claimant may be disqualified for future weeks in which benefits are claimed if fewer than two in-person job contacts were made. The decision did not deny benefits for that week. After due notice was issued, a telephone hearing was held on February 24, 2011. The claimant did participate in the hearing.

**ISSUE:**

The issue is whether the claimant is able to work and available for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Moss attempted to file a timely appeal by presenting his appeal in person to his local Claims Center. For reasons that are unknown the appeal was not entered and Mr. Moss was required to file his appeal again. Good cause for filing beyond the ten-day time limit has been shown.

Mr. Moss filed a claim for unemployment insurance benefits with an effective date of November 21, 2010 and received the customary informational facts that explain the unemployment compensation system and its requirements. During the week ending December 18, 2010 Mr. Moss failed to conduct at least two in-person work searches. The claimant's testimony that he was available for work the week of the claim is credible. Mr. Moss was actively seeking work with perspective employers but failed to contact the minimum of two perspective employers in person that week.

**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 claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that he was available for work the week ending December 18, 2010. Accordingly, benefits are allowed. The warning in this case was proper, however, as Mr. Moss failed to make at least two in-person work searches during that week although he was obligated to do so under the provisions of the Employment Security Law.

**DECISION:**

The December 28, 2010, reference 03, decision is affirmed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was appropriate.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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