

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LOU ANN ABERNATHY**  
Claimant

**APPEAL NO. 08A-UI-05873-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/08/08 R: 03**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able & Available/Work Search

**STATEMENT OF THE CASE:**

Lou Ann Abernathy filed an appeal from a representative's decision dated June 17, 2008, reference 02, which warned her that she was required to make a minimum of two job contacts each week that she claimed benefits holding for the week ending June 14, 2008 the claimant reported one job contact.

**ISSUE:**

The issue in this matter is whether the claimant was properly warned regarding her work search reporting.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Abernathy claimed benefits for the week ending June 14, 2008 and initially reported only one job contact for that week when she entered her telephone claim for benefits that week. Subsequently that day Ms. Abernathy made a second job contact and attempted to report that via telephone reporting later on the same day, June 14, 2008. Upon opening her claim for benefits the claimant was issued the customary informational and instructional brochure which explains the unemployment compensation system. The claimant was instructed she was required to contact a minimum of two perspective employers each week to report her job contacts when claiming benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes that although the claimant made an active and earnest search for work by contacting two perspective employers for the week ending June 14, 2008, she did not properly report them during her telephone call claiming benefits that day. The claimant's initial report of one job contact was received by Iowa Workforce Development. Although the claimant may have attempted to later provide a supplementary job contact, the claimant's later report was not recorded as the claimant's method of reporting varied from the reporting requirements.

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 24.23(28) provides:

(28) A claimant will be ineligible for benefits because of failure to make an adequate work search after having been previously warned and instructed to expand the search for work effort.

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending June 14, 2008. The claimant, however, did not properly report her work seeking activities as required and, therefore, was properly warned by Workforce Development that she had not properly indicated on her claim for unemployment insurance benefits for that week sufficient job contacts. The administrative law judge thus concludes that the claimant was properly warned by Iowa Workforce Development that she must not only seek work by contacting two perspective employers each week and keep a record of the contacts, but must also report them when claiming benefits. Although the claimant had attempted to provide supplemental information to the agency about an additional job contact, the claimant's method did not result in her job contacts being properly reported at the time that she initially claimed benefits for that week. Ms. Abernathy is advised in the future not only to contact two perspective employers each week but also be prepared to report her job contacts during a single telephone call to the agency when she claims benefits.

#### **DECISION:**

The June 17, 2008, reference 02, decision issuing a warning to the claimant is affirmed. The claimant did not adequately report her work seeking activities when claiming benefits for the

week ending June 14, 2008. No disqualification is assessed for the claimant's failure to properly report job seeking activities for this week. The claimant may be disqualified in the future for any week that she claims benefits and makes fewer than two reported job contacts.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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