

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KARL E BAKER
Claimant

APPEAL NO. 08A-UI-10515-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/05/08 R: 12
Claimant: Appellant (1)**

Section 96.4(3) - Adequate Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 28, 2008, 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 but did not deny benefits for that week. After due notice was issued, a hearing was held on November 25, 2008. The claimant did participate in the hearing.

ISSUE:

The issue is whether the claimant made an adequate work search.

FINDINGS OF FACT:

The claimant filed a claim for unemployment insurance benefits with an effective date of October 5, 2008. During the week ending October 25, 2008, the claimant failed to conduct at least two in-person work searches. The claimant's testimony that he was not available for work the week of the claim is credible. During the filing of the telephone claim for the week at issue, the claimant was under a doctor's care and unable to work so did not make any work searches.

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 claimant was not available for work the week ending October 25, 2008. Accordingly, benefits are not allowed. The claimant is obligated to make at least two in-person work searches during each week benefits are claimed. The claimant failed to do so. Accordingly, the warning was appropriate.

DECISION:

The representative's decision of October 28, 2008, reference 02, is affirmed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was appropriate.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs