

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHANE P NOVAK**  
Claimant

**APPEAL NO. 08A-UI-09079-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/02/07 R: 03  
Claimant: Appellant (1)**

Section 96.4-3 – Adequate Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the September 30, 2008, reference 01, decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed if 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 October 22, 2008. The claimant did participate in the hearing.

**ISSUE:**

The issue is whether the claimant reported sufficient in-person work contacts for the week in question.

**FINDINGS OF FACT:**

Having reviewed all the evidence in the record, the administrative law judge finds: Mr. Novak opened his most recent unemployment insurance claim effective December 2, 2007, and had been issued the instructional brochure and pamphlet that explain the unemployment compensation system and its requirements. Mr. Novak had been instructed that he must contact at least two prospective employers each week that he claims benefits and report the job contacts if directed. The claimant failed to contact any prospective employers for the week ending September 27, 2008. Based upon a warning that was served upon him, the claimant is now aware that he must make two in-person job contacts each week that he claims benefits and report those contacts if directed.

**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 evidence in the record establishes that Mr. Novak knew or should have know that he was required to contact a minimum of two prospective employers each week that he claimed unemployment insurance benefits. For the week in question, Mr. Novak did not contact prospective employers and therefore listed no job contacts. The claimant is now aware of the requirement that he actively and earnestly seek work by contacting prospective employers each week that he claims benefits and has agreed to do so in the future.

**DECISION:**

The September 30, 2008, reference 01, decision is affirmed. The decision warning the claimant to make at least two in-person job contacts during each week benefits are claimed was appropriate.

---

Terence P. Nice  
Administrative Law Judge

---

Decision Dated and Mailed

kjw/kjw