

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID CROWLEY
Claimant

APPEAL NO: 15A-UI-01344-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/04/15
Claimant: Appellant (2)**

Section 96.4-3 - Adequate Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 27, 2015, reference 01, 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 held before Administrative Law Judge Julie Elder on February 26, 2015. The claimant participated in the hearing.

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 January 4, 2015. During the week ending January 24, 2015, the claimant did not make two work searches because he accepted a new position with Dewey Dodge in Ankeny, Iowa. The job was commission based and not a good fit for the claimant and he resigned effective January 29, 2015. He did not file a weekly claim the week ending January 31, 2015, because he did work two days that week. He resumed his work searches February 2, 2015.

ISSUE:

Whether the claimant failed to make an active and earnest search for work.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 is obligated to make at least two in-person work searches during each week benefits are claimed. He had a job offer and consequently did not make two work searches the week ending January 24, 2015. The warning was not appropriate as the claimant was not required to make two work searches the week ending January 24, 2015.

DECISION:

The January 27, 2015, reference 01, decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was inappropriate.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs