

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM E MC CARTHY
Claimant

APPEAL NO: 11A-UI-10800-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/09/11
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able to and Available for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's August 10, 2011 determination (reference 04) that informed him as of August 10, 2011, he must make look for work each week he files a claim for benefits. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant is not required to look for work because he has not filed any weekly claimant since the week ending July 16, 2011.

ISSUE:

Is the claimant required to look for work as of August 10, 2011?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 9, 2011. He reopened this claim during the week of July 3, 2011, after he was laid off from a job assignment the employer had placed him at.

The claimant started a new job on July 18, 2011. He has not filed any weekly claims since the week ending July 16, 2011.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4(3). A claimant shall be ineligible for benefits for any period for which the department finds the claimant failed to make an earnest and active search for work. An individual must make a sincere effort to find a job. 871 IAC 24.22(3).

Since the claimant has not filed any weekly claims since the week ending July 16, 2011, the August 10, 2011 determination (reference 04) is meaningless. The claimant is not required to look for work when he does not file weekly claims. Since the claimant is currently working full time, if he reopens his claim or establishes a new benefit year, a determination will be made at

that time as to whether he is required to look for work or not. As of August 10, 2011, the claimant is not required to look for work.

DECISION:

The representative's August 10, 2011 determination (reference 04) is reversed. Since the claimant has not filed any weekly claims since the week ending July 16, 2011, and is working full time, the determination is meaningless. A claimant is not required to look for work when he does not file weekly claims. If the claimant reopens his claim or establishes a new benefit year, the issue of whether he must look for work will be made at some future date.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs