

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACOB J ARTHUR
Claimant

APPEAL NO: 13A-UI-01116-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/30/12
Claimant: Appellant (2)

Section 96.4-3 – Able and Available/Search for Work

STATEMENT OF THE CASE:

The claimant appealed a department decision dated January 22, 2013, reference 01, that warned him for failing to make a search for work. A telephone hearing was held on February 22, 2013. The claimant participated.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant worked for his employer into the week ending January 5, 2013 and he reported the wages he earned on Tuesday when submitting his claim. Claimant filed online and he did not have previous experience. He did not receive department information about the required search for work until after he filed his claim. He is now aware he must make at least two in-person job searches each week.

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 administrative law judge concludes that the claimant is on a temporary layoff that does not require him to search for work, and the department warning is removed from his claim.

DECISION:

The department decision dated January 22, 2013, reference 01, is reversed. The warning is removed.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/tll