

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RICK T BIEBER**  
Claimant

**APPEAL NO: 13A-UI-04292-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/24/13**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated April 2, 2013, reference 02, that warned him for failing to make a search for work the week ending March 30. A telephone hearing was held on April 27, 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 considered the stipulation of the evidence in the record, finds: The claimant filed his UI claim on Wednesday, March 27 that is made effective March 24. The department coded his claim as group code #6 work search category. Claimant was able to make an in-person search the day after he filed, but he had trouble on March 29 due to "Good Friday" business closings.

**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 claimant made an appropriate work search effort given group code #6 job search status, that does not require him to search for work in-person, and the department warning is removed from his claim.

**DECISION:**

The department decision dated April 2, 2013, reference 02, is reversed. The warning is removed.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/tll