

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG A THORSON
Claimant

APPEAL NO: 13A-UI-04247-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/05/12
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated April 2, 2013, reference 02, that warned him for failing to make a search for work the week ending March 30, 2013. A telephone hearing was scheduled for May 13, 2013. Official Notice was taken of claimant's appeal letter.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant attended a three-hour training class at the Mason City workforce center on March 27, and a department representative advised that it could be used in place of one job contact for that week. When claimant claimed for UI benefits for the week ending March 30, he reported only one job search.

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 the required search for work the week ending March 30, 2013, and the department warning is removed from his claim.

Although claimant understood the department training class could be counted as a job contact for the week at issue, he failed to include it with his other job contact when reporting the information. This inadvertent error is not counted against claimant.

DECISION:

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

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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