

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERESA J JOHNSON
Claimant

APPEAL NO. 06A-UI-11545-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

Employer

**OC: 06/18/06 R: 01
Claimant: Appellant (2)**

Section 96.4-3 – Work Search

STATEMENT OF THE CASE:

The claimant, Teresa Johnson, filed an appeal from a decision dated November 28, 2006, reference 03. The decision warned her to make two in-person job contacts per week to maintain eligibility for unemployment benefits. After due notice was issued a hearing was held by telephone conference call on December 19, 2006. The claimant participated on her own behalf.

ISSUE:

The issue is whether the claimant made an adequate work search.

FINDINGS OF FACT:

The claimant claimed benefits for the week ending November 19, 2006. The claimant did not make two in person work searches for that week. She had started a new job on November 13, 2006, which was part-time for three weeks during the training period, but was then guaranteed for full-time hours afterward. Ms. Johnson consulted with a representative from her local Workforce Center and was told to keep filing her claim until she went full-time, but she did not have to continue her work searches as she had secured employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has made an active and earnest search for work.

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 claimant has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending November 18, 2006. Accordingly, benefits are allowed.

DECISION:

The representative's decision of November 28, 2006, reference 03, decision is reversed. The claimant did make an active and earnest search for work for the week ending November 18, 2006. Benefits are allowed, provided the claimant is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css