

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMITRA DUNCAN
Claimant

APPEAL NO: 12A-UI-14239-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/09/12
Claimant: Appellant (2)

Section 96.4-3 – Able and Available/Search for Work
871 IAC 26.8(5) – Decision on the Record

STATEMENT OF THE CASE:

The claimant appealed a department decision dated November 27, 2012, reference 02, that warned her for failing to make a search for work. A telephone hearing was scheduled for December 27, 2012.

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 did not file a claim for unemployment benefits the week ending November 17, 2012, because she accepted a full-time temporary job with the Des Moines Public Schools beginning November 13. The claimant did not search for work the week ending November 17 because she was working a full-time job.

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 offered a good cause for not making a job search the week ending November 17 and the department warning is removed. The claimant's appeal information explained the reason for her lack of job search so that no formal hearing (scheduled December 27) is necessary.

DECISION:

The department decision dated November 27, 2012, reference 02, is reversed. The warning is removed.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/tll