

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY DANIELSON STROUD
Claimant

APPEAL NO: 11A-UI-12639-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/14/11
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a decision dated September 13, 2011, reference 02, that warned claimant effective September 10, 2011, for failure to report for reemployment services. After due notice was issued, a hearing was held by telephone conference call before an Administrative Law Judge on November 16, 2011. Claimant did participate and was represented by Jim Hamilton, Paralegal. Exhibits One, Two and Three were admitted into evidence.

ISSUE:

The issue is whether claimant failed to make sufficient job contacts. The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: Claimant reported zero job contacts on September 10, 2011. Claimant had started a new job and worked part time that week. Claimant thought that because she had a new job she did not need to make any more contacts.

Claimant went off work due to non-work-related illness effective September 26, 2011 and is still off work recuperating.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has established a good cause for having failed to report her job contacts. Claimant was reasonable in her mistake of not reporting contacts when she had started a new job. The warning is removed.

Benefits withheld effective September 26, 2011 as claimant is off work due to illness and not able to seek gainful employment.

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".

DECISION:

The decision of the representative dated September 13, 2011, reference 02, is reversed and modified. Benefits shall be withheld effective September 26, 2011 until claimant obtains a full duty work release. Claimant's warning is removed.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css