

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA A RUEBLING
Claimant

APPEAL NO. 09A-UI-11143-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 06-14-09
Claimant: Appellant (1)**

Iowa Code § 96.4(3) - Adequate Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 28, 2009, reference 02, decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made but did not deny benefits for that week. After due notice was issued, a hearing was held on August 20, 2009. The claimant did participate in the hearing.

ISSUE:

The issue is whether the claimant is able to work and available for work effective July 18, 2009.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of June 14, 2009. During the week ending July 18, 2009, the claimant failed to conduct at least two in-person work searches because she was out of the country.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 not sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work the week ending July 18, 2009. The claimant is obligated to make at least two in-person work searches during each week benefits are claimed. The claimant failed to do so. Accordingly, the warning was appropriate.

DECISION:

The July 28, 2009, reference 02, decision is affirmed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was appropriate.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw