

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANELLE WILLIAMS
Claimant

APPEAL NO. 10A-UI-00281-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 12-13-09
Claimant: Appellant (2)**

Section 96.4-3 - Adequate Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 29, 2009, reference 01, 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. After due notice was issued, a hearing was held before Administrative Law Judge Julie Elder on February 13, 2010.

ISSUE:

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

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 December 13, 2009. During the week ending December 19, 2009, the claimant failed to conduct at least two in-person work searches because she had not received the information booklet instructing her to make at least two in-person job contacts during any week benefits were claimed. She received the information booklet December 30, 2009, and began making her two in-person job contacts per week.

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 claimant is obligated to make at least two in-person work searches during each week benefits are claimed. The claimant failed to do so because she was not aware she was required to do so. Accordingly, the warning was inappropriate.

DECISION:

The December 29, 2009, reference 01, decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was inappropriate.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/kjw