

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

GARY D RANDALL
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WEBSTER CITY IA 50595

WEBSTER CITY MEDICAL CLINIC INC
PO BOX 578
WEBSTER CITY IA 50595-0578

Appeal Number: 05A-UI-03882-S2T
OC: 03/20/05 R: 01
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 - Adequate Work Search

STATEMENT OF THE CASE:

Gary Randall (claimant) appealed a representative's March 30, 2005 decision (reference 01) that concluded he was no longer temporarily unemployed with Webster City Medical Clinic (employer) and had to make at least two work searches per week. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 4, 2005. The claimant participated personally. The employer participated by Bonnie Whalen, Bookkeeper.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on April 20, 1993, as a full-time worker. The claimant is now permanently working part-time for the employer. The claimant does not want to make two work searches per week because he does not think it is effective. The claimant had a brain tumor and is looking for part-time work. He does not believe anyone will hire him even though he is able and available for work

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is required to seek work and keep a record of his job contacts. For the following reasons the administrative law judge concludes he is.

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".

871 IAC 24.23(27) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(27) Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

The claimant is able and available for work. He must seek work and keep a record of his job contacts.

DECISION:

The representative's March 30, 2005 decision (reference 01) is affirmed. The claimant must seek work and keep a record of his job contacts.

bas/s