

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BETH E MACK**  
Claimant

**APPEAL 22A-UI-08783-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/16/22  
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available/Work Search  
Iowa Admin. Code r. 871-24.22(3) – Earnest and Active Search for Work  
Iowa Admin. Code r. 871-24.23(28) – Work Search Warning

**STATEMENT OF THE CASE:**

Claimant, Beth E. Mack, filed an appeal from the February 23, 2022, (reference 01), unemployment insurance decision that issued a work search warning, and warned the claimant she must make a minimum of four employment contacts each week. After due notice was issued, a telephone conference hearing was held at on May 18, 2022. Official notice was taken of the administrative records. Claimant Exhibits A-E were admitted into evidence.

**ISSUE:**

Did the claimant make an adequate work search for the week ending February 19, 2022, and was the warning appropriate?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established the claim for unemployment insurance benefits with an effective date of January 16, 2022. Effective January 16, 2022, IWD updated its eligibility requirements as it related to work search activities:

Effective Sunday, January 16, 2022, to maintain eligibility for unemployment insurance (UI) benefits, you must:

1. register in [IowaWORKS\(link is external\)](#);
2. complete at least four valid reemployment activities per week, three of which must be job applications;
3. record and certify reemployment activities in the Job Contact and Reemployment Activity Log - see detailed instructions below; and,
4. file your weekly application for unemployment benefits.<sup>i</sup>

Claimant is an attorney and made four work search contacts or activities for the week of February 19, 2022 (Claimant Exhibit D). Claimant made a good faith effort to log the contacts as required.

However, claimant faced technical difficulty in trying to upload her contacts to the IWD website. At the time, training resources were minimal, and despite repeated calls and contacts to IWD and claimant's Reemployment Services advisor, she was unsuccessful. Claimant learned at one point that she had four accounts registered and they simply needed to be merged by an IWD representative. Claimant was otherwise able and available for work.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the work search warning was unwarranted, and therefore, shall be removed.

Iowa Code section 96.4(3)a provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. a. 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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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".

Iowa Admin. Code r. 871-24.23(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.

Iowa Admin. Code r. 871-24.23(28) provides:

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

(28) A claimant will be ineligible for benefits because of failure to make an adequate work search after having been previously warned and instructed to expand the search for work effort.

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that she made four valid work search contacts for the week ending February 19, 2022. Claimant made repeated good faith attempts to log her contact and was delayed due to Agency error. Accordingly, the warning was unwarranted, and shall be removed.

**DECISION:**

The February 23, 2022, (reference 01) unemployment insurance decision is REVERSED. The claimant made an adequate work search for the week ending February 19, 2022 and the warning shall be removed.



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Jennifer L. Beckman  
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May 23, 2022  
Decision Dated and Mailed

jlb/scn

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<sup>i</sup> <https://www.iowaworkforcedevelopment.gov/iowa-work-search-requirements-uirex>