

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JASON A BREEMS
Claimant

APPEAL 17A-UI-12316-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/01/17
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 21, 2017, (reference 02), decision that warned claimant to make at least two in-person work search contacts per week but did not deny benefits for the week ending November 18, 2017. After due notice was issued, a telephone conference hearing was held on December 20, 2017. Claimant participated along with his wife Debra Breems.

ISSUE:

Did the claimant make an adequate work search for the week ending November 18, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant claimed benefits for the week ending November 18, 2017. During the week he only made one job contact. The claimant had received a decision that denied him extended weeks of benefits due to a business closing. He mistakenly believed that meant he was not eligible for any unemployment insurance benefits. He did not check with Iowa Workforce Development (IWD) to see if his assumption was correct before he stopped looking for work during the week. No one from IWD told him to stop searching for work. When he learned that he was not totally denied benefits, he began searching for work again.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not made an active and earnest search for work for the week ending November 18, 2017.

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".

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 chose not to make two job contacts for the week ending November 18, 2017. Accordingly, the warning was appropriate.

DECISION:

The November 21, 2017, (reference 02), decision is affirmed. . The claimant did not make an active and earnest search for work for the week ending November 18, 2017. Therefore, the warning was appropriate.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs