

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

PATRICK E BENTLEY
Claimant

APPEAL 22A-UI-13084-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/26/21
Claimant: Appellant (1)**

Iowa Code § 96.4(3) - Eligibility - A&A - Able to and available for work
Iowa Code § 96.4(3) - Eligibility - A&A – Active work search
Iowa Admin. Code r. 871-24.22(3) - Eligibility - A&A - Minimum Job Contacts

STATEMENT OF THE CASE:

Mr. Patrick Bentley, claimant/appellant, appealed the May 16, 2022, (reference 04) unemployment insurance decision that found claimant not eligible for benefits from April 24-30, 2022, for failing to make an adequate work search for the week ending April 30, 2022, after previously being warned. The parties were properly notified about the hearing. A telephone hearing was held on July 18, 2022, at 2:00PM. Claimant personally participated. The department did not participate. The following hearings were held together as part of a consolidated hearing: Appeals 22A-UI-13084-DH-T; 22A-UI-13085-DH-T; 22A-UI-13086-DH-T; 22A-UI-13087-DH-T; 22A-UI-13088-DH-T; 22A-UI-13089-DH-T; 22A-UI-13090-DH-T; and 22A-UI-13091-DH-T; Judicial notice was taken of the administrative record, DBRO, and KCCO.

ISSUES:

Did the claimant make an adequate work search for the week ending April 30, 2022?
Was the claimant able to and available for work for the week ending April 30, 2022?

FINDINGS OF FACT:

Having heard the testimony and reviewed the evidence in the record, the undersigned finds:

Claimant filed for unemployment benefits with an original claim date of 12/26/21. In a decision dated March 10, 2022, (reference 01), claimant was advised that since he was no longer temporarily unemployed, he must actively seek work with a minimum of four reemployment activities, three of which must be job applications and he needs to keep a record of his reemployment activities and be able to provide evidence of his reemployment activities. In a decision dated March 15, 2022, (reference 02), claimant was warned that he is required to make a minimum of four reemployment activities, three of which must be job applications and that he is to keep a record of the reemployment activities made each week and be able to provide a copy upon request. Claimant received both decisions reference 01 and 02. These decisions were not appealed, remain in effect, and have become final agency action.

For the week ending April 30, 2022, claimant reported zero job applications and zero reemployment activities. Claimant acknowledged he did zero job applications, but called around to see who might be hiring, which is how the old system worked. Further claimant asserted he was not able to gain access to the website to enter the data. Claimant advised he did not call Iowa Workforce Development (IWD) to address this issue. Claimant did not keep a record of his reemployment activities and was unable to advise what activities he did for the week in question.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant is disqualified from benefits for the week ending April 30, 2022, as he failed to make an active and earnest search for work, having no reemployment activities and not job applications, making him not able and available for work.

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.

Claimant failed make an active and earnest search for work for the week ending April 30, 2022. Claimant: reported no job applications and no reemployment activities for the week in question. He kept no record of any activity he may have done. He acknowledged that he would call employers to see if they were hiring, which is not the same as submitting a job application. He had previously been both advised to start doing reemployment activities and warned regarding the requirements, with said decisions now being final agency action. Because claimant did not meet the requirements, he is disqualified for not making an adequate work search and not being available for work.

DECISION:

The May 16, 2022, (reference 04) unemployment insurance decision is **AFFIRMED**. Claimant is denied benefits from April 24-30, 2022.



Darrin T. Hamilton
Administrative Law Judge

November 22, 2022
Decision Dated and Mailed

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APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

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.

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or 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.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.