

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ERIC KADOW
Claimant

APPEAL 22A-UI-06040-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/31/21
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:

Eric Kadow, the claimant/appellant, filed an appeal from the March 1, 2022, (reference 02) unemployment insurance (UI) decision that warned him to make at least four work-search contacts per week but did not deny benefits. The parties were properly notified of the hearing. A telephone hearing was scheduled for April 18, 2022. No hearing was held as there was sufficient information in Mr. Kadow's appeal letter and attachments, and the administrative record to resolve the matter without testimony. The administrative law judge took official notice of the administrative record.

ISSUES

Was the work search warning appropriate?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Kadow claimed benefits for the week of February 20-26, 2022. Mr. Kadow made four work contacts that week. Appeal Attachment 1. Mr. Kadow misunderstood the meaning of "employer contacts" and assumed it meant only talking to employers after he submitted a resume. Based on his misunderstanding, Mr. Kadow answered "no" when he submitted his weekly continued claim.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Kadow has made an active and earnest search for work.

Iowa Code § 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.

Mr. Kadow has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week of February 20-26, 2022. Accordingly, the warning was inappropriate.

DECISION:

The March 1, 2022, (reference 02) unemployment insurance decision is REVERSED. Mr. Kadow did make an active and earnest search for work for the week of February 20-26, 2022. Therefore, the warning was inappropriate.



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April 25, 2022
Decision Dated and Mailed

dz/mh