

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MOIRA L NASH
Claimant

APPEAL 22A-UI-00758-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/07/21
Claimant: Appellant (1)**

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:

On December 11, 2021, claimant Moira L. Nash filed an appeal from the December 10, 2021, (reference 02), unemployment insurance decision that warned claimant to make at least two work-search contacts per week but did not deny benefits for the week ending November 13, 2021. After due notice was issued, a telephone conference hearing was held at 9:00 a.m. on Friday, January 28, 2022. Claimant Moira L. Nash participated. The administrative law judge took official notice of the administrative record.

ISSUE:

Did the claimant make an adequate work search for the week ending November 13, 2021, and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant initially opened her claim effective November 7, 2021. The claimant claimed benefits for the week ending November 13, 2021. According to the claimant's record of work search and the administrative record she did not make two work searches for that week. Claimant had not read the Unemployment Insurance Claimant Handbook and was not aware that she needed to be making (at the time) two job contacts each week in order to be eligible for benefits.

Since claimant began receiving benefits, she has learned the requirements for making job contacts. Claimant is now engaging in the required four reemployment activities each week. She is also maintaining a record of these activities.

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 during the week-ending November 13, 2021.

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 administrative law judge is encouraged that the claimant has been making efforts to meet the increased requirements for reemployment activities. However, the claimant has not sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending November 13, 2021. Accordingly, the warning was appropriate.

DECISION:

The December 10, 2021, (reference 02) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending November 13, 2021. Therefore, the warning was appropriate.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

February 16, 2022

Decision Dated and Mailed

lj/lj