

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HIEU P HUYNH
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 20A-UI-00243-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/22/19
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant/appellant filed a timely appeal from the December 6, 2019 (reference 10) unemployment insurance decision that found claimant was ineligible for unemployment benefits because he did not make an adequate work search from November 10, 2019 through November 16, 2019. The claimant was properly notified of the hearing. A telephone hearing was held on January 29, 2020. The claimant, Hieu Huynh, participated personally. CTS Language Link provided language interpretation services for the claimant. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUES:

Was the claimant able to and available for work from November 10, 2019 through November 16, 2019?

Did the claimant make an adequate work search from November 10, 2019 through November 16, 2019?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant does not read the English language. Claimant sought the help of his daughter to assist him when filing his weekly-continued claims for benefits online.

For the week of November 10, 2019 through November 16, 2019, the claimant reported that he did not make two employer contacts when he filed his weekly-continued claim and that he was not able to and available for work that week. Claimant reported this information in error as he did make at least two employer contacts that week and was able to and available for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did make an adequate work search during the benefit week of November 10, 2019 through November 16, 2019 and was able to and available for work. Benefits are allowed, provided claimant is otherwise eligible.

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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The claimant credibly testified that he was able to and available for work and had been actively and earnestly seeking work during the benefit week of November 10, 2019 through November 16, 2019 by applying for full-time work with at least two employers. As such, the claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that he made adequate work searches for the benefit week of November 10, 2019 through November 16, 2019 and was able to and available for work. Accordingly, benefits are allowed for November 10, 2019 through November 16, 2019, provided the claimant is otherwise eligible.

DECISION:

The December 6, 2019 (reference 10) unemployment insurance decision is reversed. The claimant was able to and available for work, and made an adequate search for work from November 10, 2019 through November 16, 2019. Benefits are allowed, provided claimant is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/scn