

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RICHARD A STUHR
Claimant

APPEAL 16A-UI-07986-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 04/10/16
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Richard A. Stuhr (claimant) filed a timely appeal from the July 12, 2016, (reference 03), unemployment insurance decision that warned him to make at least two work-search contacts per week but did not deny benefits for the week ending July 9, 2016. After due notice was issued, a telephone conference hearing was scheduled to be held on August 10, 2016. The claimant's appeal letter and supporting documentation was sufficient to resolve the issue and no hearing was held.

ISSUE:

Did the claimant make an adequate work search for the week ending July 9, 2016 and was the warning appropriate?

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 July 9, 2016. He did make two work searches for that week by résumé. He made an error in the reporting system when filing the weekly claim.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant 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 § 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".

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 has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending July 9, 2016. Accordingly, the warning is not appropriate.

DECISION:

The July 12, 2016, (reference 03) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week ending July 9, 2016. Therefore, the warning is not appropriate.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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