

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDREW A VANWEY
Claimant

APPEAL 22A-UI-07172-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/02/22
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 - Restrictions on Employability

STATEMENT OF THE CASE:

Claimant/appellant, Andrew Vanwey, filed an appeal from the March 22, 2022, (reference 03) unemployment insurance decision that gave claimant a warning that he is required to make a minimum of 4 reemployment activities each week claiming unemployment benefits, 3 of which must be job applications. The week ending 03/19/22, claimant reported fewer than 4 reemployment activities. Claimant was warned he may be disqualified for any future week he claims benefits and makes fewer than 4 reemployment activities. The parties were properly notified about the hearing. A telephone hearing was held on May 6, 2022. Claimant personally participated. The department, failed to participate. The following hearings were held together as part of a consolidated hearing: Appeals 22A-UI-07167-DH-T, and 22A-UI-07172-DH -T. Judicial notice was taken of the administrative record, including DBRO and KCCO.

ISSUES:

Did the claimant make an adequate work search for the week ending March 19, 2022?
Was the warning appropriate?
Was the claimant able to and available for work for the week ending March 19, 2022?

FINDINGS OF FACT:

Having heard the testimony and reviewed the evidence in the record, the administrative law judge finds: The claimant claimed benefits for the week ending March 19, 2022. According to the claimant's record of work search and the administrative record show he did not submit a report and therefore the record is claimant made 0 job contacts for that week and made 0 non-job contact reemployment activities. This is a total of 0 reemployment activities.

Claimant received the notice from IWD that he must make at least three work searches per week (job contacts), and a total of four reemployment activities. KCCO show claimant failed to report reemployment activities for any of his claims submitted for the thirteen weeks of benefits for benefit week ending (BWE) 01/08/22-04/02/22, which includes the week in question, BWE 03/19/22, in this appeal.

Claimant asserts that while he did not report any job applications, he did submit one, to the city of Des Moines and he would have accepted that job. One job application is not the minimum of at least three, which is the requirement. It was decided in the companion hearing that claimant is not exempt and has to comply with the notice sent. See decision 22A-UI-07167-DH-T, a companion hearing to this case.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant has not made an active and earnest search for work and was not able and available for work during the week ending March 19, 2022, making the warning appropriate.

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. 871-24.22(3) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(3) If an individual places restrictions on employability as to the wages and type of work that is acceptable and when considering the length of unemployment, such individual has no reasonable expectancy of securing work, such individual will be deemed not to have met the availability requirements of Iowa Code section 96.4(3).

Claimant has not sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending March 19, 2022. The warning was appropriate.

DECISION:

The March 22, 2022, (reference 03) unemployment insurance decision is **AFFIRMED**. Claimant has not sufficiently demonstrated he made an active and earnest search and reported a total of zero reemployment activities, for the week ending March 19, 2022, and claimant was not able to and available for work that week. Accordingly, the warning was appropriate.



Darrin T. Hamilton
Administrative Law Judge

May 31, 2022
Decision Dated and Mailed

dh/kmj