

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KAREN T BIXLER
Claimant

APPEAL 15A-UI-13925-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/19/15
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 8, 2015, (reference 04), 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 December 5, 2015. After due notice was issued, a telephone conference hearing was held on January 11, 2016. The claimant participated personally. Department exhibit D-1 was admitted into evidence. The administrative law judge took official notice of the administrative record, including fact-finding documents.

ISSUE:

Did the claimant make an adequate work search for the week ending December 5, 2015, and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of July 19, 2015. The claimant did not conduct two job contacts during the week ending December 5, 2015. The reason the claimant did not make her job contacts was due to compelling family needs, in which the claimant was busy tending to her ailing mother, who passed away on December 12, 2015. The claimant reported truthfully that she had not made two in-person job contacts. Based on that response, the agency issued a warning that the claimant could be disqualified in a future week if she failed to make two in-person job contacts.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant did not make an active and earnest search for work for the week ending December 5, 2015.

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.

Cognizant of the claimant's family matters related to her mother's illness, 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 December 5, 2015. Accordingly, the warning was appropriate.

DECISION:

The December 8, 2015, (reference 04) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending December 5, 2015. Therefore, the warning was appropriate.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/pjs