

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TOM GREENE
Claimant

APPEAL 22A-UI-07495-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/28/21
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 March 17, 2022, claimant Tom Greene filed an appeal from the March 15, 2022, (reference 03), unemployment insurance decision that warned claimant to engage in four re-employment activities each week but did not deny benefits for the week ending March 12, 2022. The decision warned claimant he must begin making work searches because he was no longer temporarily unemployed. After due notice was issued, a telephone conference hearing was held on May 10, 2022. Claimant participated and testified. The administrative law judge took official notice of the claimant's administrative record.

ISSUE:

Did the claimant engage in the requisite amount of re-employment activities for the week ending March 12, 2022, and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

On March 9, 2022, claimant received the notice from IWD he was no longer considered temporarily employed and must engage in four re-employment activities each week. Claimant was returning to his job with the City of Dubuque at the end of March 2022 so he did not engage in any re-employment activities due to his imminent return to his seasonal employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not engaged in the requisite re-employment activities and did not make an active and earnest search for work for the period in question. The work search warning issued to the claimant was 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. 871-24.23(28) provides:

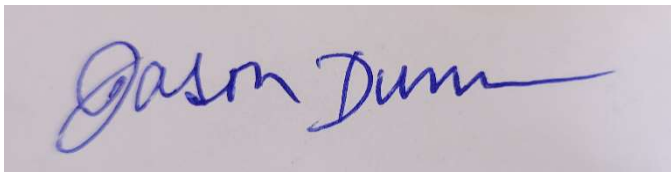
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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 work search warning issued to the claimant on March 15, 2022, was appropriate.

DECISION:

The March 15, 2022, (reference 03) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending March 12, 2022. Therefore, the warning was appropriate.



Jason Dunn
Administrative Law Judge
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May 31, 2022
Decision Dated and Mailed

jd/kmj