

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**AIMEE T JELLEMA**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 20A-UI-10762-JC-T**  
**AMENDED ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/12/20**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the September 1, 2020 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that warned claimant to make at least two work search contacts per week. A telephone hearing was scheduled for October 21, 2020 but no hearing was held. Claimant’s appeal letter was sufficient to resolve the issue and no hearing was held.

**ISSUES:**

Did the claimant make an adequate work search for the week ending August 29, 2020, and was the warning appropriate?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established a claim for unemployment insurance benefits with an effective date of April 5, 2020. At the time claimant established his claim for benefits, work searches were waived by IWD due to the COVID-19 pandemic. The work search requirement was not reinstated until September 8, 2020. See <https://www.iowaworkforcedevelopment.gov/continued-eligibility>.

**REASONING AND CONCLUSIONS OF LAW:**

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 96.1A, subsection 38, paragraph "b", subparagraph (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.

IWD waived the work search requirement and did not reinstate it until September 8, 2020. Therefore, the administrative law judge concludes the warning was inappropriate.

**DECISION:**

The unemployment insurance decision dated September 1, 2020, (reference 02) is reversed. The work search warning for the week ending August 29, 2020 was inappropriate.



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October 26, 2020  
Decision Dated and Mailed

jlb/scn