

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CAMERON S HAYDEN
Claimant

APPEAL 19A-UI-01078-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 11/11/18
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Cameron S. Hayden (claimant) filed a timely appeal from the January 29, 2019, reference 05, unemployment insurance decision that warned him to keep a written record of his job contacts but did not deny benefits. After due notice was issued, a telephone conference hearing was held on February 21, 2019 and the record remained open until end of business on February 25, 2019 to allow the claimant additional time to furnish written documentation. The claimant participated and his Exhibit A was admitted into the record. The administrative law judge took official notice of the Iowa Workforce Development (IWD) unemployment insurance handbook for claimants.¹

ISSUE:

Did the claimant maintain an adequate work search record 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 his claim for benefits effective November 11, 2018. He read the unemployment insurance handbook accessible on the Iowa Workforce Development (IWD) website. The handbook advises claimants to keep a written record of their work search including the date of the contact, the company name, address and phone number, the name of any contact, the method of contact, and the results of the contact. There is no mention of a particular form that must be used and there is no work search form contained in the handbook.

On or about January 29, 2019, the claimant met with an IWD representative who requested to view the claimant's work search record. The claimant furnished notebook paper with his weekly contacts including all of the required information. (Exhibit A) The representative told the claimant that was not sufficient and he needed to fill out his job contacts on a specific form which he provided the claimant.

¹ <https://www.iowaworkforcedevelopment.gov/2018-unemployment-insurance-claimant-handbook> (last accessed February 27, 2019).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant kept an adequate record for his work searches and the warning is not appropriate.

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. 871-24.22(3) provides:

Benefit eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(3) Earnestly and actively seeking work. Mere registration at a workforce development center does not establish that the individual is earnestly and actively seeking work. It is essential that the individual personally and diligently search for work. It is difficult to establish definite criteria for defining the words earnestly and actively. Much depends on the estimate of the employment opportunities in the area. The number of employer contacts which might be appropriate in an area of limited opportunity might be totally unacceptable in other areas. When employment opportunities are high an individual may be expected to make more than the usual number of contacts. Unreasonable limitations by an individual as to salary, hours or conditions of work can indicate that the individual is not earnestly seeking work. The department expects each individual claiming benefits to conduct themselves as would any normal, prudent individual who is out of work.

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge he kept an adequate work search record. Accordingly, the warning was not appropriate.

DECISION:

The January 29, 2019, reference 05, unemployment insurance decision is reversed. The claimant kept an adequate work search record. Therefore, the warning was not appropriate.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn