

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LOVILLA TELLAMES
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 16A-UI-12488-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/30/16
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 November 10, 2016, (reference 01), unemployment insurance decision that warned the claimant to make at least two work search contacts per week for the week ending November 5, 2016. After due notice was issued, a telephone conference hearing was held on December 9, 2016. The claimant participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant make an adequate work search for the week ending November 5, 2016, and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant claimed benefits for the week ending November 5, 2016. She made one in person work search contact with QPS staffing agency, located in Marshalltown. The claimant made no other job searches that week due to being busy.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has did not an active and earnest search for work as required, and therefore, the warning was 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. 871-24.23(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.

For the week ending November 5, 2016, the claimant only completed one job search contact. 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 November 5, 2016. Accordingly, the warning was appropriate.

DECISION:

The November 10, 2016, (reference 01) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending November 5, 2016. Therefore, the warning was appropriate.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs