

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KOURTNEY WILLIAMS
Claimant

APPEAL 17A-UI-08190-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/18/17
Claimant: Appellant (2)**

Iowa Code § 96.4(3) - Adequate Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 8, 2017, (reference 03) decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made but did not deny benefits for that week. After due notice was issued a hearing was held on August 29, 2017. Claimant participated. Claimant's appeal was marked as Exhibit A and was entered into the record.

ISSUE:

Was the warning to make two or more in-person job contacts per week appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of June 18, 2017. She was initially given a group code of "2" which required she make in-person job contacts. She is searching for work that requires she submit a resume. The agency has changed the claimant's group code from "2" to "6" allowing her to make work searches via resume. During each week the claimant made a claim for unemployment insurance benefits she made the required work searches via resume.

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 96.19, 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".

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work and has made the required job searches for each week she has claimed benefits. Accordingly, the warning was inappropriate.

871 IAC 24.2(1)c(6) provides: "Group "6" claimants are those individuals whose occupations are of a nature that utilize résumés or who are normally unable, due to factors such as occupation, distance, etc., to make in-person contacts for employment." The claimant's group code shall be changed from "2" to "6".

DECISION:

The August 8, 2017, (reference 03) decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was inappropriate.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs