

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

SAMUEL J BECK

Claimant

APPEAL NO. 15A-UI-10226-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/31/15

Claimant: Appellant (1)

Iowa Code Section 96.4(3) – Work Search Requirement

STATEMENT OF THE CASE:

Samuel Beck filed a timely appeal from the September 2, 2015, reference 07, decision that denied benefits for the week that ended August 1, 2015, based on an Agency conclusion that Mr. Beck did not make an adequate work search for that week and had previously been warned about the work search requirement. After due notice was issued, a hearing was held on September 29, 2015. Mr. Beck participated. The hearing in this matter was consolidated with the hearing in Appeal Numbers 15A-UI-10224-JTT, 15A-UI-10225-JTT, and 15A-UI-10227-JTT. Exhibit A and Department Exhibits D-1 and D-2 were received into evidence.

ISSUE:

Whether Mr. Beck's made an active and earnest search for work during the week that ended August 1, 2015.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Samuel Beck established a claim for benefits that was effective May 31, 2015 and received benefits. The benefits that Mr. Beck received included \$416.00 for the week that ended August 1, 2015. During that week, Mr. Beck accepted full-time employment with Aplundh. The employment was to set to start on Monday, August 17, 2015. Mr. Beck made no other job contacts that week. When Mr. Beck made his weekly claims report for the week that ended August 1, 2015, he reported only the one job contact. On June 23, 2015, Iowa Workforce Development had mailed a copy of the June 23, 2015, reference 02, decision that warned Mr. Beck he was required to make at least two job contacts each week he claimed unemployment insurance benefits. Mr. Beck received the decision in a timely manner.

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 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.

During the week that ended August 1, 2015, Mr. Beck accepted full-time employment that was not set to start until August 17, 2015. He made no other job search that week. Acceptance of the employment that was not set to start until two weeks or more in the future did not relieve Mr. Beck of making at least two job contacts per week. The prospective employment could have fallen through. Until Mr. Beck actually started the employment, he was required to continue to make the required number of job contacts. Because Mr. Beck had previously been warned about the work search requirement, his failure to make the required number of job contacts for the week that ended August 1, 2015, disqualified him for benefits for that week.

DECISION:

The claimant's appeal from September 2, 2015, reference 07, decision is affirmed. The claimant failed to meet the work search requirement for the week that ended August 1, 2015 after a previous warning. The claimant is not eligible for benefits for the week that ended August 1, 2015.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css