

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RYAN K SIEMS
Claimant

APPEAL 21A-UI-15151-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/03/21
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available/Work Search
Iowa Admin. Code r. 871-24.22(3) – Earnest and Active Search for Work
Iowa Admin. Code r. 871-24.23(28) – Work Search Warning

STATEMENT OF THE CASE:

On July 6, 2021, claimant Ryan K. Siems filed an appeal from the June 29, 2021, (reference 02), unemployment insurance decision that warned claimant to make at least two work-search contacts per week but did not deny benefits for the week ending June 26, 2021. After due notice was issued, a telephone conference hearing was scheduled to be held at 3:00 p.m. on Thursday, August 26, 2021. Claimant responded to the hearing notice instruction but no hearing was held as there was sufficient information in the appeal letter and accompanying documents to resolve the matter without testimony.

ISSUE:

Did the claimant make an adequate work search for the week ending June 26, 2021, and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant Ryan K. Siems opened his claim for benefits effective January 3, 2021. The claimant claimed benefits for the week ending June 26, 2021. According to the claimant's record of work search and the administrative record he did make two work searches for that week. Claimant appears to have made an error in the reporting system when filing the weekly claim. Claimant submitted confirmation emails documenting that he applied for an Operations Manager position and a Regional Sales Manager position during the week in question.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has made an active and earnest search for work during the week-ending June 26, 2021.

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".

Iowa Admin. Code r. 871-24.23(28) provides:

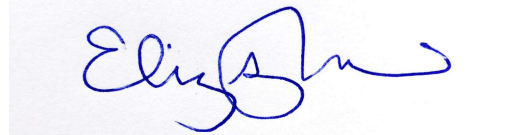
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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.

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending June 26, 2021. Accordingly, the warning was not appropriate and will be removed.

DECISION:

The June 29, 2021, (reference 02) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week ending June 26, 2021. Therefore, the warning was not appropriate and must be removed.



Elizabeth A. Johnson
Administrative Law Judge

August 30, 2021
Decision Dated and Mailed

lj/kmj