

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VICKI L HOVER WILLIAMSON
Claimant

APPEAL 21A-UI-06895-JC-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:

Claimant filed an appeal from the February 26, 2021, (reference 01) unemployment insurance decision that issued a work search warning for failure to produce a work search log. Iowa Workforce Development mailed a notice of hearing to claimant's last address of record. The hearing was scheduled for May 17, 2021, at 3:00 p.m. Claimant did not provide a telephone number to the Appeals Bureau prior to the scheduled hearing. Claimant's appeal letter and administrative records were sufficient to resolve the issue and no hearing was held.

ISSUE:

Did the claimant make an adequate work search for the week ending October 17, 2020, and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established a claim for benefits with an effective date of January 3, 2021. Claimant was notified she must make weekly job search contacts in order to be eligible for unemployment insurance benefits. In addition to making two job search contacts per week, claimants are required to document their contacts and produce the documentation upon request of IWD.

The claimant handbook and IWD website outline the requirements for a job search log: You must keep a work search log of all work search contacts for a period of one year after you stop claiming benefits and be ready to provide a copy if requested by IWD. Failure to comply may result in denial of benefits.

The work search record needs to include:

- Date of the contact
- Company name, address and phone number
- Contact name

- Method of contact i.e. in person, online, email, mail
- Results of contact

See: <https://www.iowaworkforcedevelopment.gov/continued-eligibility>

Claimant presented a work search log which provided sufficient details of her job search. Claimant presented evidence she made two job search contacts, was able to work and had no restrictions to work. Claimant's job search log was complete for the period of January 3, 2021 through February 26, 2021 (when the initial decision was issued.)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has made an active and earnest search for work.

For an unemployed individual to be eligible to receive benefits, she must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that she is able and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22.

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. She presented evidence of a completed work search log. Accordingly, the warning was unwarranted and shall be removed.

DECISION:

The February 26, 2021 (reference 01) initial decision is REVERSED. The work search warning shall be removed.



Jennifer L. Beckman
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May 25, 2021
Decision Dated and Mailed

jlb/kmj