

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**EVERT I EDWARDS**  
Claimant

**APPEAL 22A-UI-06709-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 11/28/21  
Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Able and Available/Work Search  
Iowa Admin. Code r. 871-24.22(3) – Work Search

**STATEMENT OF THE CASE:**

The claimant Evert I. Edwards filed a timely appeal from the March 15, 2022, (reference 02), unemployment insurance decision that warned claimant to conduct at least four reemployment activities per week but did not deny benefits for the week ending March 12, 2022. After due notice was issued, a telephone conference hearing was scheduled to be held on May 2, 2022, and was consolidated with the hearing for appeal 22A-UI-06708-S2-T. Claimant participated. Official notice was taken of the administrative record.

**ISSUE:**

Did the claimant make an adequate work search for the week ending March 12, 2022, and was the warning appropriate?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for benefits effective November 28, 2021. Claimant's group code was 3, which meant he was employer attached, and work searches were not required. IWD changed claimant's group code to 6, finding claimant was no longer temporarily unemployed and requiring work searches. On March 9, 2022, IWD mailed a letter to claimant notifying him that he was required to make at least four work search activities each week. Claimant claimed benefits for the week ending March 12, 2022, but did not make any work search activities. The decision finding claimant was no longer temporarily unemployed has been reversed as claimant's occupation or trade is exempt from work search requirements. See 22A-UI-06708-S2-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes:

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:

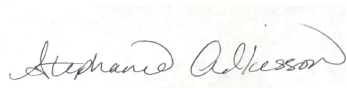
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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.

The administrative law judge finds the warning was not appropriate, as claimant was job-attached and exempted from conducting work searches during the week ending March 12, 2022.

**DECISION:**

The March 15, 2022, (reference 02) unemployment insurance decision is reversed. The claimant was not required to make an active and earnest search for work for the week ending March 12, 2022. Therefore, the warning was not appropriate and shall be removed from claimant's file.



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May 13, 2022  
Decision Dated and Mailed

sa/kmj