

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VALERIE R WOOD
Claimant

APPEAL 17A-UI-07551-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 04/16/17
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions
Iowa Admin. Code r. 871-24.23(27) – Active and Earnest Search for Work

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 24, 2017, (reference 09), unemployment insurance decision that denied benefits based upon claimant's failure to make an adequate work search. After due notice was issued, a telephone conference hearing was scheduled to be held on August 16, 2017. Claimant participated.

ISSUE:

Did the claimant make an adequate search for work the week-ending July 15, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant worked for Boone Community School District on a full-time basis until February 2017, when she was separated from employment. Boone Community School District is claimant's only base period employer. Claimant sustained a work related injury in January 2017 while employed by the Boone Community School District. Claimant filed a workers' compensation claim and continues to receive treatment for the injury. Her doctor allows her to work as tolerated.

The claimant began a new, part-time job at a daycare on July 3, 2017. Claimant works 3.5 hours per week day and earns \$8.65 per hour. Claimant's weekly benefit amount is \$229.00. Claimant claimed benefits for the week ending July 15, 2017. The claimant did not make work searches that week and reported her earned wages. Claimant had been previously warned to expand her search for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not made an active and earnest search for work for the week in question.

Iowa Code section 96.19(38) provides:

"Total and partial unemployment".

a. An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed partially unemployed in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

c. An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

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 § 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".

Claimant was partially unemployed during the week ending July 15, 2017, as she was separated from her regular job and earning at an odd job less than her weekly benefit amount plus fifteen dollars. However, a person in this situation is still required to search for full-time work. The goal is for the claimant to return to similar or better pay and hours as earned during the base period. Therefore, claimant is obligated to make at two work searches even when employed on a part-time basis. Claimant failed to make an adequate work search during the week ending July 15, 2017.

DECISION:

The July 24, 2017, (reference 09) unemployment insurance decision is affirmed. The claimant failed to make an adequate work search during the week ending July 15, 2017, and benefits are denied for that week.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/rvs