

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

AMY OROURKE
Claimant

APPEAL 22A-UI-05822-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/30/22
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 24, 2022, (reference 01), 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 February 19, 2022. After due notice was issued, a telephone conference hearing was scheduled to be held on April 15, 2022. Claimant participated.

ISSUE:

Did the claimant make an adequate work search for the week ending February 19, 2022, and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant claimed benefits for the week ending February 19, 2022. She did make more than four work searches for that week. She made an error in the reporting system when filing the weekly claim. Claimant created two files – one using an incorrect social security number. She then attempted to report her weekly job searches under the incorrect file and they wouldn't register. Eventually an IWD official worked with claimant to figure out her error and clear off the file with the incorrect social security number.

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.

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(27) provides:

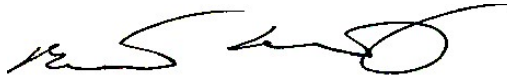
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(27) Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending February 19, 2022. Accordingly, the warning was not appropriate.

DECISION:

The February 24, 2022, (reference 01) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week ending February 19, 2022. Therefore, the warning was not appropriate.



Blair A. Bennett
Administrative Law Judge

April 26, 2022
Decision Dated and Mailed

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