

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**EDWIN MONTGOMERY**  
Claimant

**APPEAL 21A-UI-24602-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 10/03/21  
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 November 2, 2021, (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 October 31, 2021. After due notice was issued, a telephone conference hearing was scheduled to be held on January 3, 2021. Claimant, Edwin Montgomery, participated and testified. Claimant's Exhibit A was offered and admitted into evidence. Official notice was taken of the administrative record.

**ISSUE:**

Did the claimant make an adequate work search for the week ending October 31, 2021, and was the warning appropriate?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: The claimant claimed benefits for the week ending October 31, 2021. He did make two work searches for that week. Claimant's Exhibit A. He made an error in the reporting system when filing the weekly claim. Claimant entered his work searches for the week ending October 31, 2021, and he is unclear why they did not get processed correctly. Once claimant was notified of this work search warning, he promptly went to his local Iowa Workforce field office and faxed his work search information along with his appeal.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes that the claimant has made an active and earnest search for work.

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:

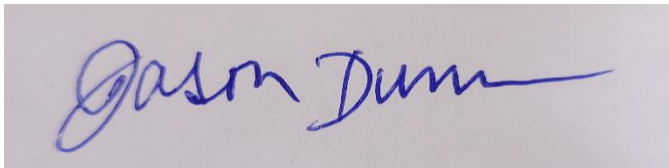
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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 claimant has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending October 31, 2021. Accordingly, the warning was not appropriate.

**DECISION:**

The November 2, 2021, (reference 01) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week ending October 31, 2021. Therefore, the warning was not appropriate.



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Jason Dunn  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

January 28, 2022  
Decision Dated and Mailed

jd/mh