

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

THERESA L WALSH
Claimant

APPEAL 20A-UI-11798-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/30/20
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:

The claimant filed a timely appeal from the September 9, 2020, (reference 02), unemployment insurance decision that warned claimant to make at least two work-search contacts per week but did not deny benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on November 18, 2020. Claimant responded to the hearing notice instruction but no hearing was held as there was sufficient information in the appeal letter and administrative record to resolve the matter without testimony.

ISSUE:

Was the work search warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of August 30, 2020. At that time, the work search requirement was suspended by Iowa Workforce Development due to the COVID 19 pandemic.

REASONING AND CONCLUSIONS OF LAW:

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 96.1A, subsection 38, paragraph "b", subparagraph (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.

In this case, the work search requirement was suspended during the time period in question due to the COVID 19 pandemic. Therefore, claimant was not required to search for work and the warning was not appropriate.

DECISION:

The September 9, 2020, (reference 02) unemployment insurance decision is reversed. The work search requirement was suspended during the time in question and the warning was not appropriate. Benefits are allowed, provided claimant is otherwise eligible.



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

November 24, 2020
Decision Dated and Mailed

cal/scn