

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LYNDA J ADSON
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 20A-UI-13239-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/23/20
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available/Work Search
Iowa Admin. Code r. 871-24.23(28) – Work Search Warning

STATEMENT OF THE CASE:

The claimant/appellant, Lynda J. Adson, filed an appeal from the October 20, 2020 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that issued a work search warning but did not deny benefits. After proper notice, a telephone hearing was held on December 17, 2020. The claimant participated. Claimant Exhibit A was admitted. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant make an adequate work search for the week ending October 17, 2020, and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Effective September 8, 2020, work search requirements were reinstated. In addition to making two job search contacts per week, claimants are required to document their contacts and produce the documentation upon request of IWD. The claimant handbook and IWD website outline the requirements for a job search log:

You must keep a work search log of all work search contacts for a period of one year after you stop claiming benefits and be ready to provide a copy if requested by IWD. Failure to comply may result in denial of benefits.

The work search record needs to include:

- Date of the contact
- Company name, address and phone number
- Contact name

- Method of contact i.e. in person, online, email, mail
- Results of contact

See: <https://www.iowaworkforcedevelopment.gov/continued-eligibility>

The claimant made a weekly continued claim for the week ending October 17, 2020. When she entered her claim, she accidentally pressed "0" for the number of job search contacts that week. This was an error. Claimant did make two job search contacts, was able to work and had no restrictions to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has made an active and earnest search for work.

For an unemployed individual to be eligible to receive benefits, she must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that she is able and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22.

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 17, 2020. Accordingly, the warning was unwarranted and shall be removed.

DECISION:

The October 20, 2020 (reference 01) initial decision is REVERSED. The claimant did make an active and earnest search for work for the week-ending October 17, 2020. The work search warning shall be removed.



Jennifer L. Beckman
Administrative Law Judge
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December 29, 2020
Decision Dated and Mailed

jlb/scn