

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMES OHARA
Claimant

APPEAL 21A-UI-03510-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/15/20
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available/Work Search
Iowa Admin. Code r. 871-24.22(3) – Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 15, 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 January 9, 2021. After due notice was issued, a telephone conference hearing was held on March 25, 2021. Claimant participated. Claimant's Exhibits A and B were admitted.

ISSUE:

Did the claimant make an adequate work search for the week ending January 9, 2021, 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 January 9, 2021. He did make two work searches for that week by online application. (Exhibit A) He made an error in the reporting system when filing the weekly claim, and inadvertently selected one job contact when he made two contacts that week.

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 § 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 January 9, 2021. Claimant is able to and available for work. Accordingly, the warning was not appropriate and shall be removed from claimant's file.

DECISION:

The January 15, 2021, (reference 01) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week ending January 9, 2021. Therefore, the warning was not appropriate and shall be removed from claimant's file.



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

March 26, 2021
Decision Dated and Mailed

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