

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DONALD W SNYDER
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 22A-UI-07709-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/12/21
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

STATEMENT OF THE CASE:

On March 21, 2022, claimant Donald W. Snyder filed an appeal from the March 15, 2022, (reference 02), unemployment insurance decision that warned the claimant he failed to make sufficient employment contacts but did not deny benefits for the week ending March 12, 2022. After due notice was issued, a telephone conference hearing was scheduled to be held at 3:00 p.m. on Wednesday, May 11, 2022, together with appeal number 22A-UI-07708-LJ-T. Claimant Donald W. Snyder personally participated in the hearing, along with observer Jeri Snyder, claimant's wife. The administrative law judge took official notice of the administrative record.

ISSUE:

Did the claimant make an adequate work search for the week ending March 12, 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 March 12, 2022. At the time, claimant was transitioning from the category of "temporary unemployment" to "total unemployment;" that week, Iowa Workforce Development ("IWD") changed his category assignment for work search purposes from group code 3 to group code 6, indicating he must begin making employment contacts. IWD mailed claimant notification that he must begin making employment contacts on Wednesday, March 9, 2022. Claimant did not receive this document until the following week. Therefore, at the time that he reported zero employment contacts for the week ending March 12, he had no notice from IWD that he needed to make any employment contacts.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not made an active and earnest search for work but for no fault of his, as he had no notice of the requirement.

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(28) provides:

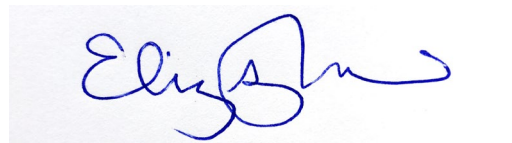
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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.

Here, IWD did not send claimant notice of his new requirement to make employment contacts until Wednesday, March 9. He did not receive this document until approximately one week later. Therefore, while he made no employment contacts for the week ending March 12, he had no notice from IWD that he needed to make any that week. The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that he had no notice of the work search requirement. Accordingly, the warning was not appropriate and must be removed.

DECISION:

The March 15, 2022, (reference 02) unemployment insurance decision is reversed. The claimant did not make an active and earnest search for work for the week ending March 12, 2022 because he did not receive the notice to begin making work searches before filing the weekly claim at issue. Therefore, the warning was not appropriate and must be removed.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

May 13, 2022
Decision Dated and Mailed

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