

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

DIANE J BRAMHALL-MCWILLIAMS
Claimant

APPEAL NO. 15A-UI-00519-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/30/14
Claimant: Appellant (2)**

Iowa Code Section 96.4(3) – Work Search
Iowa Admin. Code Section 871-24.2(1)(g) – Weekly Reporting Requirement

STATEMENT OF THE CASE:

Diane Bramhall-McWilliams filed a timely appeal from the December 30, 2014, reference 02, decision that warned her that she was required to make at least two job contacts each week she claimed benefits and that referenced a failure to report two job contacts for the week ending December 20, 2014. At the time Ms. Bramhall-McWilliams filed her appeal from the reference 02 decision there was already an appeal hearing set for January 22, 2015 in Appeal Number 14A-UI-13300-JTT concerning Ms. Bramhall-McWilliams' appeal from the December 15, 2014, reference 01, disqualification decision. Ms. Bramhall-McWilliams waived formal notice of the appeal hearing regarding this matter so that it could be consolidated with the hearing already set. The administrative law judge took official notice of the Agency's administrative record of Ms. Bramhall-McWilliams' weekly claims (KCCO).

ISSUE:

Whether Ms. Bramhall-McWilliams satisfied the work search requirement, and weekly reporting requirement, for the weeks ending December 20, 2014 and December 27, 2014.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Diane Bramhall-McWilliams used the Workforce Development website to establish a claim for benefits that was effective November 30, 2014. As part of that on-line application process, Ms. Bramhall-McWilliams received instructions on making a weekly job search and making a weekly claim report to Workforce Development. Ms. Bramhall-McWilliams made weekly claims for benefits for the five weeks between November 30, 2014 and January 3, 2015. On December 27, 2014, Ms. Bramhall-McWilliams made her weekly report for the weeks ending December 20, 2014 and December 27, 2014. For each week, Ms. Bramhall-McWilliams erroneously reported having made a single job contact. Ms. Bramhall-McWilliams had indeed submitted employment applications for two positions each week.

REASONING AND CONCLUSIONS OF LAW:

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 Administrative Code section 871-24.2(1)(g) provides as follows:

Procedures for workers desiring to file a claim for benefits for unemployment insurance. 24.2(1) Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has completed a voice response continued claim or claimed benefits as otherwise directed by the department. The weekly voice response continued claim shall be transmitted not earlier than noon of the Saturday of the weekly reporting period and, unless reasonable cause can be shown for the delay, not later than close of business on the Friday following the weekly reporting period.

An individual claiming benefits using the weekly voice continued claim system shall personally answer and record such claim on the system unless the individual is disabled and has received prior approval from the department.

The individual shall set forth the following:

- (1) That the individual continues the claim for benefits;
- (2) That except as otherwise indicated, during the period covered by the claim the individual was unemployed, earned no wages and received no benefits, was able to work and available for work;
- (3) That the individual indicates the number of employers contacted for work;
- (4) That the individual knows the law provides penalties for false statements in connection with the claim;
- (5) That the individual has reported any job offer received during the period covered by the claim;
- (6) Other information required by the department.

Ms. Bramhall-McWilliams fulfilled the work search requirement for the weeks ending December 20 and 27, 2014 by making two job contacts each week. Ms. Bramhall-McWilliams made a weekly report for each week, but made a mistake when reporting the number of job contacts. The December 30, 2014, reference 02, warning is reversed. Ms. Bramhall-McWilliams is eligible for benefits for the weeks ending December 20 and 27, 2014, provided she is otherwise eligible.

DECISION:

The December 30, 2014, reference 02, warning is reversed. The claimant met the work search requirement and weekly reporting requirement for the weeks ending December 20 and 27, 2014. The claimant is eligible for benefits for the weeks ending December 20 and 27, 2014, provided she is otherwise eligible.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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