

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CAROL K RITZ
Claimant

APPEAL 17A-UI-06514-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/21/17
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work - Adequate Work Search
Iowa Admin. Code r. 871-24.2(1)c(6) Résumé Work Searches

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 13, 2017, (reference 02) decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made. After due notice was issued, a hearing was scheduled for July 17, 2017. Claimant's appeal letter and accompanying documents were sufficient to resolve the issue and no hearing was held.

ISSUE:

Did the claimant make an adequate work search for the week-ending June 10, 2017, 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 June 10, 2017. She did make two in-person work searches that week. She made an error in the reporting system when filing the weekly claim.

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 and was available for work the week-ending June 10, 2017.

Iowa Code § 96.4(3) provides:

Required findings.

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 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 June 10, 2017. Accordingly, the warning was not appropriate.

DECISION:

The June 13, 2017, (reference 02) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week-ending June 10, 2017. Therefore, the warning was not appropriate. The claimant was available for work the same week and is eligible for benefits for the reasons stated above.

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Decision Dated and Mailed

cal/scn