

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VICKI L HOVER-WILLIAMSON
Claimant

APPEAL 21R-UI-16269-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/03/21
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 16, 2021, (reference 02), 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 March 13, 2021. A first telephone hearing was scheduled but not conducted on May 17, 2021. The appeal was dismissed. Claimant successfully requested a reopening to the Employment Appeal Board, who remanded the matter for a new hearing. After proper notice, a telephone hearing was conducted on September 15, 2021. Claimant participated personally. Official notice was taken of the administrative records.

ISSUE:

Did the claimant make an adequate work search for the week ending March 13, 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 established her claim for unemployment insurance benefits effective January 3, 2021. Claimant was aware she had to make at least two weekly job search contacts and log her contacts. Claimant in error pressed “0” when entering the number of work search contacts for the week ending March 13, 2021. Claimant did in fact make two work searches and was otherwise able and available for the 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 March 13, 2021. Accordingly, the warning was not warranted and shall be removed.

DECISION:

The March 16, 2021, (reference 02) unemployment insurance decision is REVERSED. The claimant did make an active and earnest search for work for the week ending March 16, 2021. Therefore, the warning was not warranted and shall be removed.



Jennifer L. Beckman
Administrative Law Judge
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September 21, 2021
Decision Dated and Mailed

jlb/mh