

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KELLI CERRUTO**  
Claimant

**APPEAL 21A-UI-00636-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/29/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Able to and Available for Work  
Iowa Admin. Code r. 871-24.22(3) – Earnest and Active Search for Work

**STATEMENT OF THE CASE:**

Kelli Cerruto, the claimant/appellant, filed an appeal from the November 24, 2020, (reference 02), unemployment insurance decision that warned her to make at least two work-search contacts per week but did not deny benefits for the week ending November 7, 2020. After due notice was issued, a telephone conference hearing was scheduled to be held on February 13, 2021. Ms. Cerruto's appeal letter was sufficient to resolve the issue and no hearing was held.

**ISSUE:**

Did Ms. Cerruto make an adequate work search for the week ending November 7, 2020, and was the warning appropriate?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Cerruto claimed benefits for the week ending November 7, 2020. She did not make two work searches for that week because she received an email from Iowa Workforce Development on November 3, 2020 telling her that she was not required to make job searches at that time.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that Ms. Cerruto was not required to make job searches the week of November 7, 2020.

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.

Ms. Cerruto has sufficiently demonstrated to the satisfaction of the administrative law judge that she was not required to make an active and earnest search for work for the week ending November 7, 2020. Accordingly, the warning was inappropriate.

**DECISION:**

The November 24, 2020, (reference 02) unemployment insurance decision is reversed. Ms. Cerruto was not required to make an active and earnest search for work for the week ending November 7, 2020. Therefore, the warning was inappropriate.



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February 26, 2021  
Decision Dated and Mailed

dz/scn