

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DIANNA L GILCHRIST
Claimant

APPEAL 18A-UI-11802-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 11/11/18
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Dianna L. Gilchrist (claimant) filed a timely appeal from the December 4, 2018, reference 03, 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 December 1, 2018. After due notice was issued, a telephone conference hearing was held on December 26, 2018. The claimant participated.

ISSUE:

Did the claimant make an adequate work search for the week ending December 1, 2018, 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 December 1, 2018. She made two work searches for that week online. The claimant was mistakenly coded as requiring in-person job searches. Upon receiving the warning, the claimant contacted Iowa Workforce Development (IWD) and her group code was changed to include online work searches.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant 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 that she made an active and earnest search for work for the week ending December 1, 2018. Accordingly, the warning was not appropriate.

DECISION:

The December 4, 2018, reference 03, unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week ending December 1, 2018. Therefore, the warning was not appropriate.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn