

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNA KONIG
Claimant

APPEAL 21A-UI-04910-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/19/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 4, 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 January 30, 2021. After due notice was issued, a telephone conference hearing was scheduled to be held on April 15, 2021. Claimant waived proper notice and a telephone hearing was held on March 25, 2021. The claimant participated.

ISSUES:

Did the claimant make an adequate work search for the week ending January 30, 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 claimed benefits for the week ending January 30, 2021. On January 22, 2021, the claimant obtained a job offer from Western Communities in Cedar Falls, Iowa with a start date on February 1, 2021. As a result, the claimant did not make work searches for the week ending January 30, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not 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:

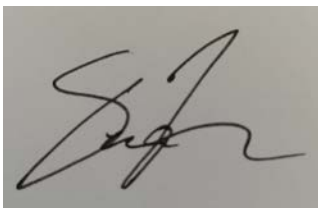
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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 did not make an active work search for the week ending January 30, 2021. While the administrative law judge understands the claimant's reason for not searching for work that week, it is not one that excuses her from making work search contacts for the week in question. Accordingly, the warning was appropriate.

DECISION:

The February 4, 2021, (reference 02) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending January 30, 2021. Therefore, the warning was appropriate.



Sean M. Nelson
Administrative Law Judge
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March 26, 2021
Decision Dated and Mailed

smn/scn