

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HEIKE C KUMPF
Claimant

APPEAL 21A-UI-06751-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/10/21
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Able and Available/Work Search
Iowa Admin. Code r. 871-24.22(3) – Earnest and Active Search for Work
Iowa Admin. Code r. 871-24.23(28) – Work Search Warning

STATEMENT OF THE CASE:

Heike C Kumpf, the claimant/appellant, filed an appeal from the February 22, 2021, (reference 01) unemployment insurance decision that warned her to make at least two work-search contacts per week but did not deny benefits. Ms. Kumpf was properly notified of the hearing. A telephone hearing was scheduled for May 13, 2021. No hearing was held as there was sufficient information in the appeal letter and administrative record to resolve the matter without testimony. Official notice was taken of the administrative record.

ISSUE:

Was the work search warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Kumpf accepted a new job Monday, February 8, 2021. On Friday, February 12, she called Iowa Workforce Development and asked if she would be eligible for benefits for that week if she made no job searches since she had accepted a new job. The representative told Ms. Kumpf that she would be eligible and that she should file her weekly claim and list zero job contacts. The representative also told Ms. Kumpf that Iowa Workforce Development would contact her and that she could then explain why she did not do any job searches for that week. Ms. Kumpf claimed benefits for the week ending February 13, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that Ms. Kumpf has not made an active and earnest search for work for the week ending February 13, 2021.

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.

Iowa law requires Ms. Kumpf to actively and earnestly search for work each week in which she claims benefits. Ms. Kumpf was unemployed the week of February 13, 2021 and she filed a weekly claim for benefits that week. Yet, she did not make any job searches. Therefore, the warning was appropriate.

DECISION:

The February 22, 2021, (reference 01) unemployment insurance decision is affirmed. Ms. Kumpf did not make an active and earnest search for work for the week ending February 13, 2021. Therefore, the warning was appropriate.



Daniel Zeno
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May 20, 2021
Decision Dated and Mailed

dz/kmj