

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JUDY A LENGER**  
Claimant

**APPEAL 15A-UI-02033-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/26/14  
Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Adequate Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 3, 2015 (reference 01) decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made, but did not deny benefits for that week. The claimant's appeal letter was sufficient to resolve the issue and no hearing was held.

**ISSUE:**

Did the claimant make an adequate work search for the week ending January 31, 2015 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 31, 2015. The claimant did make two work searches for that week. She made an error in the reporting system when filing the weekly claim. She made an error when completing her weekly claim on the phone and mistakenly reported that they were zero work searches.

**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 January 31, 2015. Accordingly, the warning was unwarranted and inappropriate.

**DECISION:**

The February 3, 2015 (reference 01) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week ending January 31, 2015. Therefore, the warning was inappropriate.

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Jennifer L. Coe  
Administrative Law Judge

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Decision Dated and Mailed

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