

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

NATHAN T BRAYMEN
Claimant

APPEAL 21A-UI-06510-DG-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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 25, 2021, (reference 01), 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 February 6, 2021. After due notice was issued, a telephone conference hearing was scheduled to be held on May 11, 2021. Claimant participated. The department participated by Linda Drake, RESEA Career Planner.

ISSUE:

Did the claimant make an adequate work search for the week ending February 6, 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 February 6, 2021. He did not make two work searches for that week.

Claimant was given notice of a meeting with Ms. Drake that took place on or about February 23, 2021. Claimant disclosed his job contact list which showed that he had not made any job contacts for the week ending February 6, 2021. A work search warning was issued based on the claimant's disclosure to the department. Claimant did not submit written evidence of conducting at least two searches for the week ending February 6, 2021 during today's hearing.

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 section 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.

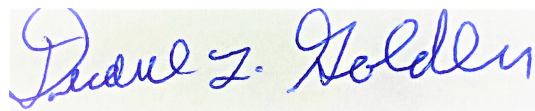
(28) A claimant will be ineligible for benefits because of failure to make an adequate work search after having been previously warned and instructed to expand the search for work effort.

The claimant has not sufficiently demonstrated that an active and earnest search for work was done for the week ending February 6, 2021. Accordingly, the warning was appropriate.

Note to Claimant: If this decision determines you are not eligible for regular unemployment insurance benefits and you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final, or if you are not eligible for PUA, you may have an overpayment of benefits.

DECISION:

The February 25, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending February 6, 2021. Therefore, the warning was appropriate.



Duane L. Golden
Administrative Law Judge

May 20, 2021
Decision Dated and Mailed

dlg/kmj