

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GORDON S HUNDLEY
Claimant

APPEAL 21A-UI-22960-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/12/21
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Admin. Code r. 871-24.22(3) – Work Search Warning

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the October 12, 2021 (reference 02) unemployment insurance decision that found the claimant was warned for not making sufficient job contacts the week-ending October 9, 2021. After due notice was issued, a telephone hearing was held on December 7, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Was the claimant able to work and available for work?
Did the claimant fail to make an active job search?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: Claimant filed an original claim for unemployment insurance benefits effective September 12, 2021. The claimant made a mistake when entering the amount of job contacts on his weekly-continued claim for benefits for the week-ending October 9, 2021. The claimant was able to and available for work during the week-ending October 9, 2021 and made two job contacts for full-time positions during that week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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".

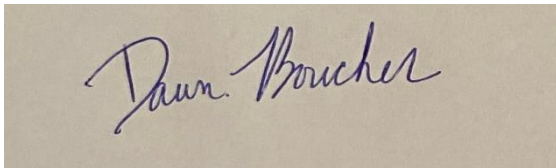
Iowa Admin. Code r. 871-24.22(3) provides in pertinent part:

Earnestly and actively seeking work. Mere registration at a workforce development center does not establish that the individual is earnestly and actively seeking work. It is essential that the individual personally and diligently search for work. It is difficult to establish definite criteria for defining the word earnestly and actively. Much depends on the estimate of the employment opportunities in the area. The number of employer contacts which might be appropriate in an area of limited opportunity might be totally unacceptable in other areas.

In this case, the claimant incorrectly entered the amount of job searches when filing his weekly-continued claim for benefits for the week-ending October 9, 2021. Claimant did make at least two job contacts that week and was able to and available for work. As such, the warning was inappropriate.

DECISION:

The October 12, 2021 (reference 02) unemployment insurance decision is reversed. The warning was not appropriate as the claimant did make at least two job contacts for the week-ending October 9, 2021.

A rectangular box containing a handwritten signature in blue ink that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

December 15, 2021
Decision Dated and Mailed

db/db