

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MATTHEW J CARROLL
Claimant

APPEAL 18A-UI-10135-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/17/18
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the September 24, 2018, (reference 04) decision that denied benefits for the one week ending September 1, 2018. After due notice was issued, a hearing was held by telephone conference call on October 23, 2018. Claimant participated.

ISSUE:

Did the claimant make an active and earnest search for work for the week ending September 1, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant applied a job on Monday, August 27. He was offered the job the next day and began working on Wednesday August 29. There was a one day delay between the time the claimant was offered the job and when he began full time work. Beginning full time work is a good reason to stop looking for work.

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 for the week ending September 1, 2018.

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".

The point of requiring claimants to make job searches is so that they become employed. The claimant was offered, accepted and began work in the same week. This is not a situation where there was a delay of days or weeks between the time the claimant was offered work and began his new job. While a delay of days or weeks could result in a claimant being required to continue searching for work; that is not the case here. The claimant was offered and accepted a new job on Monday, August 27. He began working on Wednesday, August 29. Once the claimant started his new job he was no longer obligated to continue to keep looking for work. The claimant reported the wages he earned for the week ending September 1, demonstrating that he did actually start working that week. The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending September 1, 2018. Accordingly, benefits are allowed for the week ending September 1, 2018.

DECISION:

The September 24, 2018, (reference 04), decision is reversed. The claimant did make a sufficient active and earnest search for work for the week ending September 1, 2018. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs