

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DONNA M HOMEWOOD
Claimant

APPEAL 14A-UI-11357-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/01/14
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 28, 2014, (reference 02), unemployment insurance decision that warned claimant for failure to make work searches for the week ending October 25, 2014. After due notice was issued, a telephone conference hearing was scheduled to be held on October 20, 2014. Claimant participated.

ISSUE:

Did the claimant make an adequate work search for the week ending October 25, 2014, and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant failed to make a work search for the week ending October 25, 2014. She has made appropriate job contacts in all other weeks and has found partial employment.

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 did not make a search for work for the week ending October 25, 2014. Accordingly, the warning was appropriate.

DECISION:

The October 28, 2014, (reference 02) unemployment insurance decision is affirmed. The claimant did not make a search for work for the week ending October 25, 2014. Therefore, the warning was appropriate.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs