

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**MARK A DOERFFEL**  
Claimant

**APPEAL NO. 20A-UI-13112-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/26/20**  
**Claimant: Appellant (2)**

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Iowa Code Section 96.4(3) – Able & Available, Work Search Warning

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 20, 2020, reference 02, decision/warning that reminded the claimant that he was required to make at least two job contacts during each claim week and that warned the claimant he could be disqualified for benefits for any future claim week in which he failed to make the required work search. The decision indicated the claimant had reported zero job contacts when he made his claim for the week that ended October 17, 2020. After due notice was issued, a hearing was held on December 21, 2020. Claimant participated. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: KCCO and DBRO.

**ISSUES:**

Whether the claimant made an active and earnest search for new employment during the week that ended October 17, 2020.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim for benefits that was effective April 26, 2020 and made weekly claims that include a claim for the week that ended October 17, 2020. When the claimant made his claim for that week, he mistakenly reported that he had made zero employer contacts. The claimant had in fact applied for two distinct positions at Wells Fargo Bank that week and started new full-time employment with Wells Fargo Bank that week.

**REASONING AND CONCLUSIONS OF LAW:**

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. 871-24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

Iowa Admin. Code r. 871-24.23(27) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(27) Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

The claimant made an error when he made his weekly claim for the week that ended October 17, 2020. The claimant reported zero employer contacts when he had in fact made two employer contacts that week. The claimant met the availability requirement that week. The work search warning is reversed and rescinded.

**DECISION:**

The October 20, 2020, reference 02, decision/warning is reversed and rescinded. The claimant met the work search requirement during the week that ended October 17, 2020. The claimant is eligible for benefits for the week that ended October 17, 2020, provided he meets all other eligibility requirements.

A rectangular box containing a handwritten signature in cursive script that reads "James E. Timberland".

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James E. Timberland  
Administrative Law Judge

January 7, 2021  
Decision Dated and Mailed

jet/mh