

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**THOMAS E NIEDERMEYER**  
Claimant

**APPEAL 21A-UI-00576-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

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

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

**STATEMENT OF THE CASE:**

On November 26, 2020, Thomas E. Niedermeyer (claimant) filed an appeal from the November 23, 2020, reference 01, unemployment insurance decision that warned him to make at least two work-search contacts per week but did not deny benefits for the week ending November 21, 2020. After due notice was issued, a telephone conference hearing was held on February 13, 2021. The claimant participated. No exhibits were offered into the record.

**ISSUE:**

Did the claimant make an adequate work search for the week ending November 21, 2020, and was the warning appropriate?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed his claim for unemployment insurance benefits effective April 26, 2020, and he exhausted those benefits July 25. He then received Pandemic Emergency Unemployment Compensation (PEUC), which he exhausted October 24. The claimant received one week of Extended Benefits (EB); however, after October 31, the state was no longer eligible to pay EB and his benefits stopped. However, he continued to make weekly claims through the week ending December 5. The claimant did not file for Pandemic Unemployment Assistance (PUA) and he would not be eligible for extended PEUC until the week of December 27.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant was not required to make an active and earnest search for work during the week ending November 21 because he was not eligible for unemployment insurance benefits.

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 was not eligible for any unemployment insurance benefits during the week ending November 21; therefore, he was not obligated to conduct any work searches and the warning was not appropriate.

**DECISION:**

The November 23, 2020, reference 01, unemployment insurance decision is reversed. The claimant was not eligible for unemployment insurance benefits during the week ending November 21, 2020, and he was not obligated to conduct any work searches. Therefore, the warning was not appropriate.



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Stephanie R. Callahan  
Administrative Law Judge

February 24, 2021  
Decision Dated and Mailed

src/scn