

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KEVIN R NETCOTT
Claimant

APPEAL 22A-UI-06468-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/19/21
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant Kevin R. Netcott filed a timely appeal from the March 15, 2022, (reference 02), unemployment insurance decision that warned claimant to make at least four reemployment activities per week but did not deny benefits for the week ending March 12, 2022. After due notice was issued, a telephone conference hearing was scheduled to be held on April 25, 2022, and was consolidated with the hearing for appeal 22A-UI-06467-S2-T. Claimant participated. Josh Engleman and Craig Mittlestadt testified on claimant's behalf. Official notice was taken of the administrative record.

ISSUE:

Did the claimant make an adequate work search for the week ending March 12, 2022, and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is employed with Conley's Trucking, Inc. He was on a seasonal layoff effective December 16, 2021. Claimant claimed benefits for the week ending March 12, 2022. He did not make any work searches during that week. The claimant was previously categorized as group code 3, which meant claimant was on a temporary layoff and was not required to conduct reemployment activities. However, on March 10, 2022, Iowa Workforce Development (IWD) notified claimant he was no longer temporarily unemployed, and he would be required to make four reemployment activities each week. Claimant did not believe he needed to do so as he had not been required to conduct work searches in the past.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not 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:

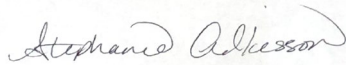
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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 has not sufficiently demonstrated an active and earnest search for work for the week ending March 12, 2022. Claimant was not able to and available for work. Accordingly, the warning was appropriate and shall remain in claimant's file.

DECISION:

The March 15, 2022, (reference 02) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending March 12, 2022. Therefore, the warning was appropriate and shall remain in claimant's file.



Stephanie Adkisson
Administrative Law Judge
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May 10, 2022
Decision Dated and Mailed

sa/scn