

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KURT D BROCKMEYER
Claimant

APPEAL 21A-UI-03454-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available/Work Search
Iowa Admin. Code r. 871-24.22(3) – Earnest and Active Search for Work
Iowa Admin. Code r. 871-24.23(28) – Work Search Warning

STATEMENT OF THE CASE:

Kurt D Brockmeyer, the claimant/appellant, filed an appeal from the January 11, 2021, (reference 02), unemployment insurance decision that warned him to make at least two work-search contacts per week but did not deny benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on March 27, 2021. Mr. Brockmeyer registered for the hearing but no hearing was held as there was sufficient information in the appeal letter and administrative record to resolve the matter without testimony. Official notice was taken of the administrative record.

ISSUE:

Was the work search warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr Brockmeyer claimed benefits for the week ending December 26, 2020. Mr. Brockmeyer did make two work searches for that week but he made an error in the reporting system when he filed the weekly claim.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that Mr. Brockmeyer 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.

Mr. Brockmeyer has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending December 26, 2020. Accordingly, the warning was inappropriate.

DECISION:

The January 11, 2021, (reference 02 unemployment insurance decision is reversed. Mr. Brockmeyer did make an active and earnest search for work for the week ending December 26, 2020. Therefore, the warning was inappropriate.



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March 30, 2021
Decision Dated and Mailed

dz/kmj