

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KATIE J CARROLL**  
Claimant

**APPEAL 21A-UI-16751-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/23/21  
Claimant: Appellant (1R)**

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  
Iowa Admin. Code r. 871-24.23(5) - Full-time Student

**STATEMENT OF THE CASE:**

On July 30, 2021, claimant Katie Carroll filed an appeal from the July 20, 2021, (reference 03), unemployment insurance decision that warned claimant to make at least two work-search contacts per week but did not deny benefits for the week ending July 7, 2021. After due notice was issued, a telephone hearing was scheduled to be held on September 23, 2021. Claimant participated. Judicial notice was taken of the administrative file and the records contained therein.

**ISSUE:**

Did the claimant make an adequate work search for the week ending July 17, 2021, and was the warning appropriate?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant claimed benefits for the week ending July 17, 2021. According to the claimant's record of work search and the administrative record, she did not make two work searches for that week. Her explanation was she thought that as a full time student she did not need to make job searches and she did not for the week ending July 17, 2021.

Claimant was separated from full-time employment and has been working part-time work and attending college at DMACC part-time. Claimant continues working part-time, and from May 25 - August 5, 2021 was a full-time student at DMACC. The week ending July 17, 2021, claimant was not earnestly and actively searching for work, incorrectly thinking she did not have to do so due to her full-time student status.

Claimant recently left one part-time position to accept a different part-time position that paid a higher rate and has the opportunity for greater hours of work. Claimant testified that on the afternoon of September 23, 2021, she has an interview with Gator trucking for two different full-

time positions. Claimant intends to leave her part-time position to take a full-time position with Gator, if offered.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant did not make an active and earnest search for work during the week ending July 17, 2021.

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. 871-24.23(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.

Iowa Admin. Code r. 871-24.23(5) provides:

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

(5) Full-time students devoting the major portion of their time and efforts to their studies are deemed to have no reasonable expectancy of securing employment except if the students are available to the same degree and to the same extent as they accrued wage credits they will meet the eligibility requirements of the law.

The claimant has not sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending July 17, 2021. Accordingly, the warning was appropriate. Being a full-time student does not exempt one from searching for work, but makes one not able and available for work, unless claimant is available to the same degree and to the same extent as the accrued wage credits.

**DECISION:**

The July 20, 2021, (reference 03) unemployment insurance decision is **AFFIRMED**. The claimant did not make an active and earnest search for work for the week ending July 17, 2021. Therefore, the warning was appropriate and remains in place.

Furthermore, this matter is **REMANDED** for a determination as to whether during the time claimant was a full-time student (May 25 - August 5, 2021) she was otherwise available to the same degree and to the same extent as the accrued wage credit, an Iowa Admin. Code r. 871-24.23(5) issue.



Darrin T. Hamilton  
Administrative Law Judge

September 27, 2021  
Decision Dated and Mailed

dh/scn