

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JENNIFER E BAAS
Claimant

APPEAL 14A-UI-11744-GT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/27/14
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 28, 2014, (reference 04), 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 October 25, 2014. After due notice was issued, a telephone conference hearing was scheduled to be held on December 3, 2014. Claimant participated.

ISSUE:

Did the claimant make an adequate work search for the week ending October 25, 2014, 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 October 25, 2014. She did not make two work searches for that week she was moving to Florida and was not able to conduct job searches during that time. She has successfully and properly registered in Florida, and continues to file claims in Iowa. Claimant was being truthful and honest in her reporting, and she is making job searches at this time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was not able to make job searches during the time she was moving to Florida on or about October 25, 2014.

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 sufficiently demonstrated to the satisfaction of the administrative law judge that she had honestly and properly reported that she was not able to search for work for the week ending October 25, 2014. Accordingly, the warning was appropriate.

DECISION:

The October 28, 2014, (reference 04) unemployment insurance decision is affirmed. The claimant was not able to make searches for work for the week ending October 25, 2014 because she was in the process of moving. Therefore, the warning was appropriate.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/pjs