

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JAY ZEIGEL
Claimant

APPEAL NO. 16A-UI-06435-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/15/16
Claimant: Appellant (2)

Iowa Code § 96.4-3 – Able and Available for Work – Active Work Search

STATEMENT OF THE CASE:

The claimant/appellant filed a timely appeal from a representative's unemployment insurance decision dated June 1, 2016 (reference 01) that warned him he was required to make at least two work searches every week benefits are claimed. A notice of hearing was mailed to the party's last-known address of record, for a telephone hearing to be held at 8:00 a.m. on June 24, 2016. A review of the Appeals Bureau's conference call system indicates that the claimant/appellant failed to respond to the hearing notice to provide a telephone number at which he could be reached for the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. The administrative law judge takes judicial notice of the claimant's written statement.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of May 15, 2016. During the week ending May 21, 2016, when the claimant attempted to file his claim, the website crashed. He had completed the questions and indicated he made two job contacts.

ISSUE:

Whether the claimant failed to make an active and earnest search for work?

REASONING AND CONCLUSIONS OF LAW:

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".

The claimant is obligated to make at least two in-person work searches during each week benefits are claimed. The claimant did so for the week ending May 21, 2016, but the website crashed and did not record his information. The warning was, therefore, inappropriate as the claimant did make two work searches the week ending May 21, 2016.

DECISION:

The June 1, 2016 (reference 01) decision is reversed. The decision, warning the claimant to conduct at least two in-person work searches during each week benefits are claimed, was inappropriate.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/can