

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DIANN L BANKSON**  
Claimant

**APPEAL 17A-UI-04671-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/02/17**  
**Claimant: Appellant (5)**

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions  
Iowa Admin. Code r. 871-24.23(27) – Active and Earnest Search for Work

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 2, 2017, (reference 02), unemployment insurance decision that denied benefits based upon claimant's availability for work. Claimant was notified of the hearing regarding her availability for work during the one week ending April 15, 2017. A telephone conference hearing was scheduled to be held on May 19, 2017. Claimant participated. Claimant waived notice on the issue of whether she made an adequate work search during the week ending April 15, 2017.

**ISSUES:**

Is the claimant able to work and available for work effective April 15, 2017?  
Did the claimant make an adequate search for work the one week ending April 15, 2017?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant claimed benefits for the one week ending April 15, 2017.

When claimant filed her weekly continued claim for the week ending April 15, 2017, she inadvertently reported she was not able to and available for work that week. The claimant was able to and available for work during the one week ending April 15, 2017.

The Unemployment Insurance Benefits Handbook, available to all claimants who file for benefits, states that individuals are required to make a minimum of two job contacts each week. The claimant reported she did not make any work searches during the one week ending April 15, 2017. In fact, claimant made one work search during the one week ending April 15, 2017. Claimant also reported that she did not make any work searches during the one week ending April 8, 2017. Claimant received a warning decision (reference 01) for her inadequate work search during the one week ending April 8, 2017, but it was not issued until April 21, 2017. Claimant did not appeal that decision.

## **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 for the week in question.

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.23(27) provides:

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

(27) Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

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 April 15, 2017, as she did not make a minimum of two job contacts that week.

**DECISION:**

The May 2, 2017, (reference 02) unemployment insurance decision is modified with no change in effect. The claimant did not make an active and earnest search for work for the week-ending April 15, 2017. Benefits are denied for that week.

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Christine A. Louis  
Administrative Law Judge  
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Decision Dated and Mailed

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