

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LIZ A JANSEN
Claimant

APPEAL 21A-UI-19850-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/20/21
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:

On September 8, 2021, claimant, Liz Jansen, filed an appeal from the August 31, 2021, (reference 01), 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 August 28, 2021. Due notice was issued and a telephone conference hearing was scheduled to be held on October 29, 2021. Claimant participated.

ISSUES:

Did the claimant make an adequate work search for the week ending August 28, 2021 and was the warning appropriate?

Is the claimant able to and available for work?

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 August 28, 2021. According to the claimant's record of work search (Claimant's exhibit, page 3), on: August 24, 2021, she submitted a resume in person at Total Solutions and then mailed one to them on August 25, 2021, as the front desk person refused to put her resume on file as she thought claimant was after her position); August 25, 2021, she applied online for a receptionist/admissions position with Unity Point Health - Trinity Hospital in Bettendorf, and later that day received an e-mail that there were no local positions but the hospital had openings in Cedar Rapids, Waterloo and Des Moines. While the administrative record shows she made zero work searches for that week ending August 28, 2021, claimant's record shows she made two searches. Claimant made an error in the reporting system when filing the weekly claim. She used the ten key punch and the two is just the above the zero, making an error inputting her information. Searches inputted afterwards reflect two searches.

If work is offered to claimant, she has remained able to and available to work. Claimant has not been ill, taken trips outside of the Quad-cities area and is actively seeking employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has made an active and earnest search for work and was available for work during the week-ending August 28, 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.

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending August 28, 2021. Accordingly, the warning was not appropriate. Claimant has demonstrated whom the two work searches were with and is cautioned to ensure she accurately enters her search information. Claimant is able to and available for work.

DECISION:

The August 31, 2021, (reference 01) unemployment insurance decision is **REVERSED**. The claimant did make an active and earnest search for work for the week ending August 28, 2021, she just made an error in reporting, which is excused. Therefore, the warning was not appropriate. The claimant was available for work the same week and is eligible for benefits for the reasons stated above.



Darrin T. Hamilton
Administrative Law Judge

November 19, 2021
Decision Dated and Mailed

dh/scn