

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KAREN BERTRAND**  
Claimant

**APPEAL 22A-UI-07040-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/28/21  
Claimant: Appellant (2)**

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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 March 23, 2022, claimant Karen Bertrand filed an appeal from the March 15, 2022, (reference 04), unemployment insurance decision that warned claimant to make at least four work-search contacts per week but did not deny benefits for the week ending March 12, 2022. The decision warned claimant she must begin making work searches because she was no longer temporarily unemployed. After due notice was issued, a telephone conference hearing was held on May 4, 2022. Claimant participated and testified. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Did the claimant make an adequate work search for the week ending March 12, 2022, 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 March 12, 2022. Iowa Workforce issued a decision dated March 15, 2022, reference 03 that determined the claimant was not able to or available for work effective December 5, 2021, due to a medical issue. That decision has been modified in favor of the claimant finding her able to and available for work effective March 25, 2022. That decision has been affirmed in 22A-UI-07039-JD-T. The claimant was not eligible for benefits for the week ending March 12, 2022, so the work search warning is premature.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant was not able to or available for work during the week-ending March 12, 2022, due to a decision issued by IWD on March 15, 2022, reference 03 that determined that claimant was able to and available for work effective March 25, 2022. The claimant is not able to or available for work from December 5, 2021 through March 25, 2022, so the work search warning for the benefit week ending March 12, 2022 is premature.

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:

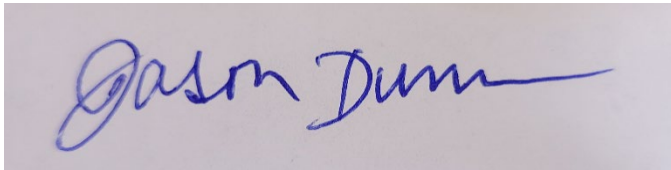
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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 was not able to or available for work for the week-ending March 12, 2022, due to a decision dated March 15, 2022, reference 03. The work search warning was premature. The claimant is considered able to and available for work effective March 25, 2022.

**DECISION:**

The March 15, 2022, (reference 04) unemployment insurance decision is reversed. The work search warning is premature and not applicable for the week in question.



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Jason Dunn  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

May 31, 2022  
Decision Dated and Mailed

jd/scn