

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHERRI L MCLERRAN
Claimant

APPEAL 18A-UI-04655-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/10/17
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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the April 12, 2018 (reference 02) unemployment insurance decision that found claimant was not eligible for benefits from March 25, 2018 through March 31, 2018 for failing to make an adequate work search. The claimant was properly notified of the hearing. A telephone hearing was held on May 16, 2018. The claimant participated personally. The administrative law judge took official notice of the claimant's unemployment insurance benefits records including the fact-finding documents.

ISSUE:

Did the claimant make at least two job contacts for the week-ending March 31, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a weekly-continued claim for benefits for the week-ending March 31, 2018. She did make two work searches for the week-ending March 31, 2018, but she made an error in the reporting system when filing her weekly-continued claim online. It was an error when she reported she made zero work searches for the week-ending March 31, 2018. Claimant was able to and available for work the week-ending March 31, 2018 and she reported wages earned from a part-time teaching position at Des Moines Area Community College.

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 the week-ending March 31, 2018. Benefits are allowed, provided claimant is otherwise eligible.

Iowa Code § 96.4(3) provides:

Required findings.

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(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 March 31, 2018, as the claimant made two job contacts. Benefits are allowed for the week-ending March 31, 2018, provided claimant is otherwise eligible.

DECISION:

The April 12, 2018 (reference 02) decision is reversed. The claimant did make an adequate work search for the week-ending March 31, 2018. Benefits are allowed from March 25, 2018 through March 31, 2018, provided claimant is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs