

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RUTH SORENSEN
Claimant

APPEAL 18A-UI-09015-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 01/14/18
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available/Work Search
Iowa Admin. Code r. 871-24.23(28) – Work Search Warning

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 15, 2018 (reference 03) unemployment insurance decision that warned claimant that she was required to make a minimum of two job contacts each week she claims unemployment insurance benefits. The claimant was properly notified of the hearing. A telephone hearing was held on September 11, 2018. The claimant participated personally. Claimant's Exhibit A was admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

Did the claimant make at least two job contacts for the week-ending August 11, 2018, 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 August 11, 2018. She did make two work searches for that week. See Exhibit A. She made an error in the reporting system when filing the weekly claim when she reported that she made zero job contacts.

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 August 11, 2018.

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 August 11, 2018, as the claimant made two job contacts. Accordingly, the warning was not appropriate.

DECISION:

The August 15, 2018 (reference 03) decision is reversed. The decision warning the claimant was not appropriate as the claimant did make at least two job contacts.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs