

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAWN THORPE

Claimant

APPEAL 22A-UI-06800-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/23/22
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:

Dawn Thorpe, the claimant/appellant, filed an appeal from the March 8, 2022, (reference 01) unemployment insurance (UI) decision that warned her to engage in at least four "reemployment activities" per week, including three job applications per week, but did not deny benefits. The parties were properly notified of the hearing. A telephone hearing was held on April 28, 2022. The parties were properly notified of the hearing. Ms. Thorpe participated personally. The department did not participate in the hearing. The administrative law judge took official notice was taken of the administrative record.

ISSUES

Was the work search warning appropriate?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Thorpe applied to three jobs and completed one workshop during the week of February 27, 2022 through March 5, 2022. Ms. Thorpe certified the information about the job applications and the workshop on the Iowa Workforce Development (IWD) IowaWorks website (www.iowaworks.gov) per the IWD Reemployment Case Management (RCM) program. Per the RCM program rules, "career planners...review job searches...." (See Reemployment Case Management – FAQs, <https://www.iowaworkforcedevelopment.gov/rcm-faq>) After claimants certify the information on the IowaWorks website and the review by the career planners, claimants are then required to file a weekly claim on the IWD website and input the same information. Ms. Thorpe filed a weekly claim for benefits for the week of February 27, 2022 through March 5, 2022. Ms. Thorpe input "0" for job searches and "0" for "reemployment activities" for that week because, at the time, she was confused by the two websites and she found the IowaWorks website to be quite extensive. Ms. Thorpe has since learned about rules and requirements when she went to the IWD local office.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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 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.

In this case, Ms. Thorpe has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending March 5, 2022. Ms. Thorpe certified the correct information on the IowaWorks website for that week, and presumably a career planner reviewed her job searches. Because of IWD's rules that require claimants to enter the same information into two different websites, Ms. Thorpe inadvertently entered the incorrect information on the IWD website when she filed her weekly claim that week. Ms. Thorpe's mistake, after having already entered the correct information on one website, is not worthy of warning. The warning was inappropriate.

DECISION:

The March 8, 2022, (reference 01) unemployment insurance decision is REVERSED. Ms. Thorpe did make an active and earnest search for work for the week ending March 5, 2022. The warning was inappropriate.



Daniel Zeno
Administrative Law Judge

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May 10, 2022

Decision Dated and Mailed

dz/ac