

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ONNA LORSUNG

Claimant

APPEAL 21A-UI-24420-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/10/21

Claimant: Appellant (1)

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 November 1, 2021, claimant, Onna Lorsung, filed an appeal from the October 28, 2021, (reference 02), 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 October 23, 2021. The decision warned claimant she must make at least two work searches each week in order to remain eligible for benefits. After due notice was issued, a telephone conference hearing was January 28, 2022. Onna Lorsung, 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 October 23, 2021, 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 October 23, 2021. According to the claimant's record of work search and the administrative record and her testimony she did not make two work searches for that week. Claimant testified that she had already secured employment and was not aware that she was required to continue to make two work searches until the start date of her new employment.

REASONING AND CONCLUSIONS OF LAW:

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

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".

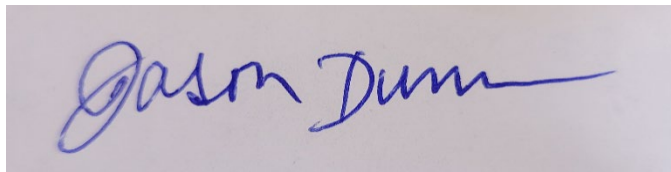
Iowa Admin. Code r. 871-24.22(3) provides in pertinent part:

Earnestly and actively seeking work. Mere registration at a workforce development center does not establish that the individual is earnestly and actively seeking work. It is essential that the individual personally and diligently search for work. It is difficult to establish definite criteria for defining the word earnestly and actively. Much depends on the estimate of the employment opportunities in the area. The number of employer contacts which might be appropriate in an area of limited opportunity might be totally unacceptable in other areas.

In this case, the claimant did not make at least two job contacts for the week-ending October 23, 2021, because she was unclear on the requirements of making job contacts. As such, the warning was appropriate. Benefits are allowed, provided the claimant remains otherwise eligible.

DECISION:

The October 28, 2021, (reference 02) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending October 23, 2021.



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

February 18, 2022
Decision Dated and Mailed

jd/scn