

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**JOANNE M ENYART**  
Claimant

**APPEAL 22A-UI-08712-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 12/05/21  
Claimant: Appellant (1)**

---

Iowa Code § 96.4(3) – Able to and Available for Work

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the March 25, 2022 (reference 02) unemployment insurance decision that found claimant was not eligible for unemployment benefits effective February 27, 2022 through March 5, 2022 due to her failing to make an active work search. The parties received due notice of the hearing. A telephone hearing was held on May 19, 2022. The claimant participated personally. Iowa Workforce Development (IWD) did not participate. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 22A-UI-08713-DB-T and 22A-UI-08715-DB-T.

**ISSUE:**

Was the claimant able to work, available for work, and making an active work search from February 27, 2022 through March 5, 2022?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits effective December 5, 2021 following a permanent separation from employment with CVG Monona Wire LLC. She filed weekly-continued claims from December 5, 2021 through March 19, 2022. For the week-ending March 5, 2022, the claimant's job contacts consisted of walking into four businesses to inquire whether they were hiring. She inquired at Gilletor Auction and Real Estate, Smitty's Oil and Tire, Sincerely Your's, and Knockel's Flooring. None of the four business that she stopped into in person were hiring any workers. Claimant was not responding to any advertisement for employment opportunities at these four businesses. She began employment with CVG Monona Wire LLC on March 10, 2022.

**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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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.

Iowa Admin. Code r. 871-24.23(27) provides:

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

(27) Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

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.

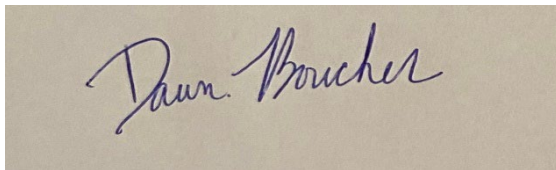
(28) A claimant will be ineligible for benefits because of failure to make an adequate work search after having been previously warned and instructed to expand the search for work effort.

The burden is on the claimant to establish that she is able to work, available for work, and actively and earnestly seeking work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22. Beginning January 9, 2022, IWD began requiring claimants to make at least four reemployment activities per week. The list of approved reemployment activities included applying for a **potential job opening** by submitting a resume or application through any of the following methods: online, in person, email, or fax/mail. The claimant must be earnestly and actively seeking work each week she filed weekly-continued claims for benefits, unless an exemption applies. The claimant walking into four businesses that were never listing any potential job openings and inquiring about work is not an approved

reemployment activity. Because the claimant failed to engage in at least four reemployment activities by earnestly and actively searching for work, she was not considered able to and available for work pursuant to Iowa law. As such, regular unemployment insurance benefits funded by the State of Iowa are denied effective February 27, 2022 through March 5, 2022 due to the claimant failing to make an active work search.

**DECISION:**

The March 25, 2022 (reference 02) unemployment insurance decision is affirmed. The claimant failed to make an earnest and active work search for the week-ending March 5, 2022 and unemployment insurance benefits are denied effective February 27, 2022 through March 5, 2022.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style on a light-colored, textured background.

---

Dawn Boucher  
Administrative Law Judge

May 24, 2022  
Decision Dated and Mailed

db/db