

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN THOMAS
Claimant

APPEAL 16A-UI-09035-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/31/16
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:

The claimant filed an appeal from the August 16, 2016, (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 August 13, 2016. After due notice was issued, a telephone conference hearing was held on September 7, 2016. Claimant participated.

ISSUE:

Did the claimant make an adequate work search for the week-ending August 13, 2016, 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 13, 2016. Claimant did make two in-person job contacts that week. He made an error in the reporting system when filing the weekly claim.

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 13, 2016.

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 § 96.19, subsection 38, paragraph "b", subparagraph 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 13, 2016. Accordingly, the warning was not appropriate.

DECISION:

The August 16, 2016, (reference 02) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week-ending August 13, 2016. Therefore, the warning was not appropriate. The claimant was available for work the same week and is eligible for benefits for the reasons stated above, as long as he is otherwise qualified and eligible to receive benefits.

Christine A. Louis
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Decision Dated and Mailed

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