

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MIICHAEL L YOUNG
Claimant

APPEAL 19A-UI-07223-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 03/24/19
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available/Work Search

STATEMENT OF THE CASE:

Miichael Young (claimant) appealed a representative's September 6, 2019, decision (reference 04) that denied unemployment insurance benefits and found the claimant did not make an adequate search for work for the week ending August 17, 2019. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on September 25, 2019. The claimant did participate.

ISSUE:

The issue is whether the claimant must begin to search for work by making no fewer than two in-person job contacts per week.

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of March 24, 2019. On April 22, 2019, the agency identified the claimant as a worker who should search for work through his union hall. This designation remained in effect until August 16, 2019, when a workforce worker mistakenly changed the claimant's code on the computer. The code was corrected on August 22, 2019. From August 16 to August 22, 2019, the claimant was incorrectly identified as a worker who should search for work by resume. The claimant was not notified of this change and continued to search for work at his union hall. Likewise, he was not notified by the department when it changed his requirement from resume to a union hall search on August 22, 2019.

On August 19, 2019, when he filed his weekly report, the department determined he did not make an adequate work search under the rules for a resume search. He did make an adequate work search at his union hall. The department found him ineligible to receive unemployment insurance benefits for the week ending August 17, 2019, because of his inadequate work search for the week in a representative's September 6, 2019, decision, reference 04.

On August 23, 2019, the department sent the claimant a notice to report for a fact-finding interview at the claimant's last known address of record to discuss his inadequate work search.

The interview was scheduled for September 4, 2019. The claimant confused the date and did not participate in the interview. A denial decision was issued on September 6, 2019, based on the claimant's failure to participate. On September 11, 2019, the claimant filed an appeal to the representative's September 6, 2019, decision, reference 05.

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 for the week ending August 17, 2019.

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".

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 17, 2019. Accordingly, benefits are allowed.

DECISION:

The September 6, 2019, reference 04, decision is reversed. The claimant did make an active and earnest search for work for the week ending August 17, 2019. Benefits are allowed, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs