

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRITTNEY C MUELLER
Claimant

APPEAL 20A-UI-12409-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEVELOPMENT**

OC: 08/02/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On September 18, 2020, Brittney C. Mueller (claimant) filed an appeal from the September 15, 2020, reference 02, unemployment insurance decision that warned her to make at least two work-search contacts per week but did not deny benefits for the week ending September 12, 2020. The claimant's appeal letter was sufficient to resolve the issue and no hearing was held.

ISSUE:

Did the claimant make an adequate work search for the week ending September 12, 2020, 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 September 12, 2020. Iowa Workforce Development (agency) suspended the work search requirement from March 15 through the week ending September 12 due to the COVID-19 pandemic.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was not required to conduct a work search and the warning was not appropriate.

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.

The agency waived job searches until the week beginning September 13. Therefore, the claimant was not required to search for work during the week for which the warning was issued. The warning was not appropriate. However, the claimant is now on notice that work searches must be conducted each week when claiming unemployment insurance benefits.

DECISION:

The September 15, 2020, reference 02, unemployment insurance decision is reversed. The claimant was not required to make an active and earnest search for work for the week ending September 12, 2020. Therefore, the warning was not appropriate.



Stephanie R. Callahan
Administrative Law Judge

October 21, 2020
Decision Dated and Mailed

src/sam