

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

ORLANDER PATTERSON
Claimant

APPEAL NO. 19A-UI-00492-JT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/30/18
Claimant: Appellant (2)**

Iowa Code Section 96.4(3) – Able & Available
Iowa Administrative Code Rule 871-24.22(3) – Work Search Requirement

STATEMENT OF THE CASE:

Orlander Patterson filed a timely appeal from the January 8, 2019, reference 01, decision that warned him that he was required to make at least two job contacts per claim week or risk being disqualified for unemployment insurance benefits. The decision cited Mr. Patterson's report of zero job contacts for the benefit week that ended January 5, 2019. Mr. Patterson requested an in-person hearing. On April 8, 2019, an in-person hearing was held at the Waterloo IowaWORKS Center. Mr. Patterson participated and presented additional testimony through Veronica Pope. Exhibits A and B and Department Exhibits D-1 and D-2 were received into evidence.

ISSUES:

Whether Mr. Patterson was able to work and available for work within the meaning of the law during the benefit week that ended January 5, 2019.

Whether Mr. Patterson made an active and earnest search for new employment during the benefit week that ended January 5, 2019.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Orlander Patterson established an original claim for benefits that was effective December 30, 2018 and received unemployment insurance benefits that included \$419.00 for the benefit week that ended January 5, 2019. On Sunday, January 6, 2019, Mr. Patterson made his weekly claim for the benefit week that ended January 5, 2019. When Mr. Patterson responded to the prompt that requested the number of job contacts Mr. Patterson had made, Mr. Patterson misunderstood the request. Mr. Patterson misunderstood the prompt to be asking the number of job contacts he had made for the week that had just started January 6, 2019. Because Mr. Patterson had not yet applied for any jobs in the week that started January 6, 2019, he reported that he had made zero job contacts. Mr. Patterson realized too late in the process of submitting the claim that the question about job contacts had been about job contacts during the benefit week that ended January 5, 2019. Mr. Patterson had applied for three jobs during the

benefit week that ended January 5, 2019 and had otherwise been able to work and available for work.

REASONING AND CONCLUSIONS OF LAW:

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".

An individual shall be ineligible for benefits for any period for which the department finds that the individual has failed to make an earnest and active search for work. Iowa Administrative Code rule 871-24.22(3)(a). 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. Iowa Administrative Code rule 871-24.23(27).

The evidence in the record establishes that Mr. Patterson did indeed demonstrate an active and earnest search for new employment through his three job applications during the benefit week that ended January 5, 2019, but that he merely made a mistake in making his weekly claim. Mr. Patterson was able to work and available for work during the benefit week that ended January 5, 2019. Mr. Patterson is eligible for benefits for the week that ended January 5, 2019 provided he meets all other eligibility requirements.

DECISION:

The January 8, 2019, reference 01, decision is reversed and the job search warning is vacated. The claimant was able to work, available for work, and engaged in an active and earnest search for new employment during the benefit week that ended January 5, 2019. The claimant is eligible for benefits for the week that ended January 5, 2019 provided he meets all other eligibility requirements.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs