

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROGER W NORFOLK
Claimant

APPEAL 17A-UI-08913-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/11/17
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 22, 2017, (reference 03), 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 19, 2017. After due notice was issued, a hearing was held by telephone on September 20, 2017. The claimant participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant make an adequate work search for the week ending August 19, 2017, 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 19, 2017. He did not make two work searches for that week because he was on vacation. He did not make 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 did not make an active and earnest search for work.

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".

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 made a weekly claim for benefits, but did not make an active search for work in accordance with the law and the instructions given to him for the week ending August 19, 2017. Accordingly, the warning was appropriate.

DECISION:

The August 22, 2017, (reference 03) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending August 19, 2017. Therefore, the warning was appropriate.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs