

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KIMBERLE S JOHNSON
Claimant

APPEAL 21A-UI-21469-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 05/02/21
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Able and Available/Work Search
Iowa Administrative Code R. 871-24.22(3)- Earnestly and Actively Seeking Work

STATEMENT OF THE CASE:

On September 1, 2021, Kimberle S. Johnson, (claimant) filed an appeal from the August 26, 2021, 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 August 21, 2021. After due notice was issued, a telephone conference hearing was scheduled to be held on November 17, 2021. 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 August 21, 2021, 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 21, 2021. She did not make two work searches for that week. Claimant did not look for work because she accepted a new position with a new employer and began working for the employer on August 30, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not made an active and earnest search for work.

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 claimant has not sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending August 21, 2021. Accordingly, the warning was appropriate.

DECISION:

The August 26, 2021, reference 02, unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending August 21, 2021. Therefore, the warning was appropriate.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

December 20, 2021

Decision Dated and Mailed

cs/abd