

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KATHRYN BROWN
Claimant

APPEAL 21A-UI-16129-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/20/21
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 10, 2021, (reference 02), 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 July 10, 2021. After due notice was issued, a telephone conference hearing was scheduled to be held on September 14, 2021. The claimant participated. Exhibit A was received into the record. Official notice was taken of the administrative records.

ISSUE:

Did the claimant make an adequate work search for the week ending July 10, 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 July 10, 2021. She did make two work searches for that week by résumé. She made an error in the reporting system when filing the weekly claim. The administrative record KCCO shows the claimant made one contact for the week ending July 10, 2021. The claimant is not sure how it happened, but she entered one instead of two, when selecting the number of job contacts.

The claimant provided a spreadsheet that shows her work search from June 23, 2021 to July 19, 2021. The spreadsheet shows the claimant sent resumes to two employers, R & A Risk Professionals and Clive Behavioral Health Hospital through the website Indeed, on July 5, 2021.

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.

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:

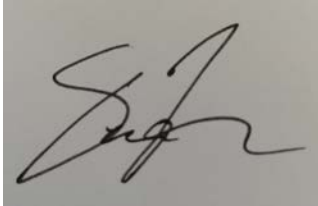
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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 sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending July 10, 2021. Accordingly, the warning was not appropriate.

DECISION:

The July 10, 2021, (reference 02) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week ending July 10, 2021. Therefore, the warning was not appropriate. If it has not been done already, the claimant's work search status should be changed to include résumé work searches.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is shown on a light gray background.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

September 23, 2021
Decision Dated and Mailed

smn/scn