

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SANTOS MARTINEZ**  
Claimant

**APPEAL 20A-UI-13760-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

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

Iowa Code § 96.4(3) – Able and Available/Work Search  
Iowa Admin. Code r. 871-24.22(3) – Earnest and Active Search for Work  
Iowa Admin. Code r. 871-24.23(28) – Work Search Warning

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 20, 2020, (reference 01), 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 8, 2020. After due notice was issued, a telephone conference hearing was scheduled to be held on December 30, 2020. Claimant responded to the hearing notice instruction but no hearing was held as there was sufficient information in the appeal letter and administrative record to resolve the matter without testimony.

**ISSUE:**

Was the work search warning appropriate?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of August 2, 2020. At that time, the work search requirement was suspended by Iowa Workforce Development due to the COVID 19 pandemic.

**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.

In this case, the work search requirement was suspended during the time period in question due to the COVID 19 pandemic. Therefore, claimant was not required to search for work and the warning was not appropriate.

**DECISION:**

The October 20, 2020, (reference 01) unemployment insurance decision is reversed. The work search requirement was suspended during the time in question and the warning was not appropriate. Benefits are allowed, provided claimant is otherwise eligible.



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January 19, 2021  
Decision Dated and Mailed

sa/scn