

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LISSAN L HUGO MAIN
Claimant

APPEAL 21A-UI-08288-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available/Work Search
Iowa Admin. Code r. 871-24.22(3) – Work Search

STATEMENT OF THE CASE:

The claimant Lissan L. Hugo-Main filed a timely appeal from the March 19, 2021, (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 February 2, 2021. After due notice was issued, a telephone conference hearing was scheduled to be held on May15, 2021. 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 February 2, 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 February 20, 2021. She was not required to make weekly job search contacts at that time. On March 11, 2021, Iowa Workforce Development notified the claimant that as of March 11, 2021, she must begin making at least two job contacts each week. She has done so since the receipt of the letter.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the warning was not appropriate and shall be removed from the claimant's file.

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 was not required to make work searches for the week ending February 20, 2020. She was not required to do so until March 11, 2020, and she has made the required work searches since that time. Accordingly, the warning was not appropriate and shall be removed from claimant's file.

DECISION:

The March 19, 2021, (reference 01) unemployment insurance decision is reversed. The warning was not appropriate and shall be removed from claimant's file.



Stephanie Adkisson
Administrative Law Judge
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May 24, 2021
Decision Dated and Mailed

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