

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ARIEL NILES
Claimant

APPEAL 20A-UI-13396-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/22/20
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 October 23, 2020 (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 October 10, 2020.

After due notice was issued, a telephone conference hearing was scheduled to be held on December 23, 2020. Claimant registered a number for the hearing. However, no hearing was held due to there being sufficient information in the administrative record to resolve the issues noticed. Official notice was taken of the administrative record.

ISSUE:

Did the claimant make an adequate work search for the week ending October 10, 2020, 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 October 10, 2020. According to the administrative record claimant did make two work searches for that week. It is unclear why the decision was issued finding claimant did not make two work searches that week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the October 23, 2020, (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 October 10, 2020 is REVERSED.

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".

The administrative law judge finds claimant did make two work-search contacts for the benefit week ending October 10, 2020.

DECISION:

The October 23, 2020, (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 October 10, 2020 is REVERSED. Claimant did make two work-search contacts that week. Therefore, the warning was not appropriate.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

January 11, 2021
Decision Dated and Mailed

abd/mh