

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MESSIE SAYLEE
Claimant

APPEAL 21A-UI-13596-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/23/21
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Admin. Code r. 871-24.22(3) – Failure to Make an Active Work Search

STATEMENT OF THE CASE:

The claimant/appellant, Messie Saylee, filed an appeal from the June 2, 2021 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that she failed to make a work search for the week ending May 29, 2021. Claimant waived proper notice and a hearing was held on August 10, 2021. Official notice was taken of the administrative record.

ISSUES:

Was the claimant able to work and available for work?
Did the claimant fail to make an active work search?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established her claim for benefits with an effective date of May 23, 2020. Claimant did not make a job search for the week ending May 29, 2021. She did not make a job search due to due to personal injury.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did not make a job search for the week ending May 29, 2021.

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 96.1A, subsection 38,

paragraph "b", subparagraph (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.

Iowa Admin. Code r. 871-24.23(1) provides:

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

(1) An individual who is ill and presently not able to perform work due to illness.

For an individual to be eligible to receive benefits, she must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that she is able and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22.

Claimant did not make a work search for the week ending May 29, 2021 because she was sick. Because claimant did not make a job search as required, the work search warning was warranted.

DECISION:

The unemployment insurance decision dated June 2, 2021, (reference 02) is affirmed. Claimant did not make a work search for the week ending May 29, 2021. The work search warning was warranted.



Jennifer L. Beckman
Administrative Law Judge
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July 30, 2021
Decision Dated and Mailed

jlb/kmj