

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAURA C SCHOLL
Claimant

APPEAL 19R-UI-02046-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 09/09/18
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the January 23, 2019, (reference 03) decision that warned claimant to make at least two work search contacts per week but did not deny benefits for the week ending January 19, 2019. After due notice was issued, a telephone conference hearing was held on March 26, 2019. Claimant participated. Claimant's Exhibit A was admitted into the record.

ISSUE:

Did the claimant make an adequate work search for the week ending January 19, 2019 and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant made one job contact for the week ending January 19, 2019. Claimant was offered, accepted and began a new part time job on January 17, 2019. She continues to look for a part time job that pays a higher hourly wage and offers more hours of work per week. The claimant assumed when she started her new part time job that she did not need to continue to make job searches. She did not check with anyone at Iowa Workforce Development to see if her assumption was correct. When the claimant received the warning decision she began to read paperwork from the agency and then learned she was obligated to make two job contacts per week. Claimant has since made the required job contacts for each week she claimed unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant did not make an adequate work search for the week ending January 19, 2019. The warning was appropriate.

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".

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 mistakenly assumed she could cease looking for jobs when she accepted a part time job. She did not check with anyone at Iowa Workforce Development to see if her assumption was correct. When she received the warning decision, she then read material supplied by the agency and learned that she was required to continue making to job contacts each week she claimed benefits. Failure to read the materials provided by the agency and an erroneous assumption are not good-cause reasons for failing to make the required job contacts. Accordingly, the warning was appropriate as the claimant did not make the required number of job contacts for the week ending January 19, 2019.

DECISION:

The January 23, 2019, (reference 03), decision is affirmed. The claimant did not make an adequate search for work for the week ending January 19, 2019. Therefore, the warning was appropriate.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs