

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHAR A ARKFELD
Claimant

APPEAL 22A-UI-00584-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/24/21
Claimant: Appellant (1)**

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/appellant, Char A. Arkfeld, filed an appeal from the November 23, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. After proper notice, a telephone hearing was held on January 27, 2022. The claimant participated. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant make an adequate work search for the week ending November 20, 2021, and was the warning appropriate?

Was the claimant able and available for work for the week ending November 20, 2021?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established her claim for unemployment insurance benefits with an effective date of October 24, 2021. When claimant filed her claim for benefits, she received a (green) monetary record. Which informed her that she was required to make two job search contacts each week (See administrative record).

Claimant made weekly continued claims for the first, second, and third weeks of unemployment, and made weekly job search contacts each week. Claimant called IWD with some miscellaneous questions on November 15, 2021 and based upon the IWD representative’s guidance, believed she did not need to make her weekly job search contacts for the week. Claimant was also feeling sick with symptoms consistent with COVID-19, but did not actually test positive for COVID-19. As a result of both, she did not make her weekly job search

contacts for the week ending November 20, 2021, and a work search warning was mailed to her on November 23, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that claimant did not make required job search contacts for the week ending November 20, 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 96.19, 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(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.

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. 871-24.22(3) provides:

Earnestly and actively seeking work. Mere registration at a workforce development center does not establish that the individual is earnestly and actively seeking work. It is essential that the individual personally and diligently search for work. It is difficult to establish definite criteria for defining the words earnestly and actively. Much depends on the estimate of the employment opportunities in the area. The number of employer contacts which might be appropriate in an area of limited opportunity might be totally unacceptable in other areas. When employment opportunities are high an individual may be expected to make more than the usual number of contacts. Unreasonable limitations by an individual as to salary, hours or conditions of work can indicate that the individual is not earnestly seeking work.

The department expects each individual claiming benefits to conduct themselves as would any normal, prudent individual who is out of work.

The administrative law judge is persuaded the claimant knew she was required to make weekly job search contacts each week. The administrative law judge is sympathetic to claimant not feeling well and a possible miscommunication with an IWD representative. However, the claimant has not sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending November 20, 2021. Accordingly, the warning was not appropriate and should be removed.

DECISION:

The November 23, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending November 20, 2021. Therefore, the warning was appropriate and should not be removed.



Jennifer L. Beckman
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February 17, 2022
Decision Dated and Mailed

jlb/kmj