

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RUTH A WOJAHN
Claimant

APPEAL 21A-UI-12273-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/29/20
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

On May 6, 2021, Ruth Wojahn (claimant/appellant) filed a timely appeal from the May 4, 2021 (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 January 2, 2021.

After due notice was issued, a telephone conference hearing was held on July 19, 2021. Claimant participated personally. The hearing was conducted by Administrative Law Judge Jason Dunn. No exhibits were admitted. Administrative Law Judge Andrew Duffelmeyer has reviewed the record in its entirety and makes the following Findings of Fact and Conclusions of Law.

ISSUE:

Did the claimant make an adequate work search for the week ending January 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 January 2, 2021. According to the claimant's record of work search and the administrative record, she did not make two work searches for that week. Claimant was still employed and working for her employer in a reduced capacity during that week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the May 4, 2021 (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 January 2, 2021 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 the work search warning was issued in error. Claimant was not required to perform work searches as she was still attached to and working for her employer in a reduced capacity during the week filed.

DECISION:

The May 4, 2021 (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 January 2, 2021 is REVERSED. The work search warning was issued in error.



Andrew B. Duffelmeyer
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August 24, 2021
Decision Dated and Mailed

abd/scn