

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ROGER K LAGRONE
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 16A-UI-10658-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/11/16
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.2(1)c(6) – Résumé Work Searches

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 27, 2016, (reference 01) unemployment insurance decision that issued a warning to the claimant for failure to make an active work search for the week ending September 24, 2016. The claimant was properly notified about the hearing. A telephone hearing was held on October 13, 2016. The claimant participated personally. Department exhibit D-1 was received into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. 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 September 24, 2016 and was the warning appropriate?
Should the work searches be made in-person or by résumé?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of September 11, 2016. During the week ending September 24, 2016, the claimant failed to conduct at least two in-person work searches. The claimant is seeking employment in upper management, (such as vice president or director) and consulting areas, which customarily seek employees through résumé submissions. The claimant applied to over twenty jobs for the week ending September 24, 2016, by way of online applications and made live contact either by phone or Skype with contacts including a recruiter at Prudential for a director of claims position, and with a corporate recruiter on September 24, 2016.

The claimant is currently identified as “group 2” for work search purposes.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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. 871-24.2(1)c(6) provides: "Group "6" claimants are those individuals whose occupations are of a nature that utilize résumés or who are normally unable, due to factors such as occupation, distance, etc., to make in-person contacts for employment." The claimant's job history and current job search is consistent with résumé or online applications for employment. The claimant made over twenty job search contacts by way of online applications and two phone/Skype calls for the week ending September 24, 2016, and therefore made an active job search.

The claimant is obligated to make at least two in-person or résumé work searches during each week benefits are claimed. The claimant did so. Accordingly, the warning was not appropriate. The claimant shall be allowed to conduct résumé work searches.

DECISION:

The September 27, 2016 (reference 01) decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was not appropriate. The claimant's work search designation shall be changed to reflect résumé work searches.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs