

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SANDRA L TILLMAN**  
Claimant

**APPEAL 18A-UI-03960-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 09/24/17**  
**Claimant: Appellant (2)**

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 filed a timely appeal from the March 20, 2018, (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 one week ending March 17, 2018. After due notice was issued, a telephone conference hearing was scheduled to be held on April 23, 2018. Claimant responded to the hearing notice instruction but no hearing was held as there was sufficient information in the appeal letter to resolve the matter without testimony.

**ISSUE:**

Did the claimant make an adequate work search for the one week ending March 17, 2018, 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 one week ending March 17, 2018. According to the claimant's administrative record, she did not make two work searches for that week. She made an error in the reporting system when filing the weekly claim. Claimant did, in fact, make two work searches during the one week ending March 17, 2018.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant has made an active and earnest search for work and was available for work during the one week ending March 17, 2018.

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 has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the one week ending March 17, 2018. Accordingly, the warning was not appropriate.

**DECISION:**

The March 20, 2018, (reference 02) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the one week ending March 17, 2018. Therefore, the warning was not appropriate.

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Decision Dated and Mailed

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