

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**JEFFREY D JENNINGS**  
Claimant

**APPEAL NO: 12A-UI-05028-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/11/12**  
**Claimant: Appellant (3/R)**

Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

The claimant sent the Appeals Section a letter explaining why he had not looked for work the week ending April 21, 2012. The Appeals Section considered this an appeal from a representative's April 27, 2012 determination. The claimant was not available for the scheduled May 23 hearing. Based on the administrative record and the law, the administrative law judge finds the claimant is not eligible to receive benefits for the week ending April 21, 2012.

**ISSUE:**

Is the claimant eligible to receive benefits for the week ending April 21, 2012?

**FINDINGS OF FACT:**

The claimant established a claim for benefits the week of March 11, 2012. The week ending April 21, the claimant stayed home to take care of a sick child and then became ill himself. As a result of taking care of his child and then becoming ill himself, the claimant was unable to look for work.

The claimant understood he was not eligible to receive benefits when he was not able to or available for work. The claimant filed a claim for the week ending April 21, 2012. He received benefits for this week.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4(3). The administrative rule states an individual is eligible to receive for weeks he does make an active work search. An individual must make a sincere effort to find a job. 871 IAC 24.22(3). Typically, the Department warns a claimant the first time he does not actively look for work in a week he files a claim for benefits. Failing to make an adequate work search is not the same as not being able to and available for work.

For the week ending April 21, the claimant not only did not look for work, he was not able to or available for work because he was either ill or taking care of a sick child. The claimant is not eligible to receive benefits for the week ending April 21, 2012.

The issue of overpayment for benefits the claimant received this week will be remanded to the Claims Section to determine.

**DECISION:**

The representative's April 27, 2012 determination (reference 01) is modified against the claimant. The claimant did not make an active work search for the week ending April 21, 2012. The warning he received for failing to look for work was warranted. The claimant was also not able to or available for work the week ending April 21, 2012. Therefore, he is not eligible to receive benefits for this week. The issue of overpayment of benefits is **Remanded** to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs