

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DENNIS M WALLACE
Claimant

APPEAL 21A-UI-12077-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/01/20
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:

On April 30, 2021, claimant Dennis M. Wallace filed an appeal from the April 27, 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 April 24, 2021. After due notice was issued, a telephone conference hearing was scheduled to be held at 3:00 p.m. on Wednesday, July 21, 2021. Claimant responded to the hearing notice instruction but no hearing was held as there was sufficient information in the appeal letter and accompanying documents to resolve the matter without testimony.

ISSUE:

Did the claimant make an adequate work search for the week ending April 24, 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 April 24, 2021. According to the claimant's record of work search and the administrative record he made three work searches for that week by submitting online applications. He made an error in the reporting system when filing the weekly claim.

Claimant provided documentation of the three applications he submitted during the week ending April 24, 2021. Claimant applied for a technology enablement manager position at Humach, a technology engagement manager position at Pearson, and an implementation specialist position at Magnus Technology Group.

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 during the week-ending April 24, 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(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 week ending April 24, 2021. It appears he simply made a mistake when filing his weekly continued claim for benefits. Accordingly, the warning was not appropriate and should be removed.

DECISION:

The April 27, 2021, (reference 02) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week ending April 24, 2021. Therefore, the warning was not appropriate and should be removed.



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July 28, 2021
Decision Dated and Mailed

lj/ol