

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHELLE BROOKS
Claimant

APPEAL 20A-DUA-13039-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/30/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 12, 2020, (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 September 19, 2020. After due notice was issued, a telephone conference hearing was scheduled to be held on December 16, 2020. Claimant participated.

ISSUE:

Did the claimant make an adequate work search for the week ending September 19, 2020, 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 September 19, 2020. In her appeal letter, claimant said she “visited two places in her person during that week and it was Dubuque Specialty Care and Stonehill.”

During the hearing, claimant said she had been using the website Indeed to apply to various jobs in her area. She said that she had applied to Mercy Hospital and Finley Hospital in Dubuque, Iowa on September 19, 2020. When asked about Dubuque Specialty Care and Stonehill, claimant said she could not be sure if she applied to those places on September 19, 2020. Claimant said she had just re-applied to Dubuque Specialty Care because “it got stuck in the system.” Claimant said she applied to Stonehill two weeks prior to the hearing.

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.

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. 871-24.23(28) provides:

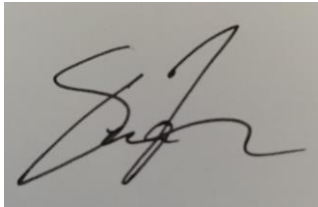
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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 September 19, 2020. Accordingly, the warning was not appropriate.

DECISION:

The October 12, 2020, (reference 02) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week ending September 19, 2020. Therefore, the warning was not appropriate. If it has not been done already, the claimant's work search status should be changed to include online application work searches.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is written over a light gray rectangular background.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

December 31, 2020
Decision Dated and Mailed

smn/mh