

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTOPHER R BLAKE
Claimant

APPEAL 20A-UI-13080-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WORKFORCE DEVELOPMENT

OC: 09/27/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On October 16, 2020, Christopher R. Blake (claimant) filed an appeal from the October 13, 2020, reference 01, unemployment insurance decision that warned him to make at least two work-search contacts per week but did not deny benefits for the week ending October 10, 2020. After due notice was issued, a telephone conference hearing was scheduled to be held on December 21, 2020. The claimant participated personally. The Claimant's Exhibits A through C were admitted into the record.

ISSUES:

Did the claimant make an adequate work search for the week ending October 10, 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 filed his claim for benefits effective September 27, 2020. A family member living in his household was exposed to COVID-19 and showing symptoms. His employer would not let him return to work until he produced two negative COVID-19 tests. He claimed benefits for the week ending October 10. He did not make two work searches for that week because he was temporarily laid off. The claimant returned to work after October 10.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was not required to make an active and earnest search for work during the week ending October 10, 2020.

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 Code section 96.19(38)c provides:

Definitions.

38. Total and partial unemployment

c. An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

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 was temporarily laid off by his employer for two weeks. As a result, he was not required to conduct work searches during that time. Accordingly, the warning was not appropriate.

DECISION:

The October 13, 2020, reference 01, unemployment insurance decision is reversed. The claimant was not required to make work searches during the week ending October 10, 2020. Therefore, the warning was not appropriate.



Stephanie R. Callahan
Administrative Law Judge

January 5, 2021
Decision Dated and Mailed

src/scn