

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**NERMIN LILIC**  
Claimant

**APPEAL 15A-UI-13063-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/01/15  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the November 24, 2015, (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 November 7, 2015. After due notice was issued, a telephone conference hearing was held on December 16, 2015. The claimant participated personally. The administrative law judge took official notice of the administrative record, including fact-finding documents.

**ISSUE:**

Did the claimant make an adequate work search for the week ending November 7, 2015, 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 November 7, 2015. He did not make two work searches for that week, and the administrative record reflecting 0 work searches is correct. The claimant did not make his job searches for the week because he did not understand they were required. Since November 7, 2015, the claimant had reported making weekly work searches.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant did not made an active and earnest search for work for the week ending November 7, 2015.

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 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 not sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending November 7, 2015. Accordingly, the warning was appropriate.

**DECISION:**

The November 24, 2015, (reference 02) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending November 7, 2015. Therefore, the warning was appropriate.

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Jennifer L. Coe  
Administrative Law Judge

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Decision Dated and Mailed

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