

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DANIEL J MURPHY
Claimant

APPEAL 14A-UI-12399-GT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/07/14
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 25, 2014 (reference 03) 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 22, 2014. After due notice was issued, a telephone conference hearing was scheduled to be held on December 30, 2014. Claimant participated.

ISSUE:

Did the claimant make an adequate work search for the week ending November 22, 2014 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 22, 2014. He did not make two work searches for that week. Claimant was very ill and was temporarily unable to make the required searches. He is doing better now and he is available for work at this time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was not able to make an active and earnest search for work during that time.

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 not sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending November 22, 2014. The failure to conduct work searches was not intentional and claimant understands what is expected of him at this time. Accordingly, the warning was appropriate.

DECISION:

The November 25, 2014 (reference 03) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending November 22, 2014. Therefore, the warning was appropriate.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/can