

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WILLIAM L HANES
Claimant

APPEAL 20A-UI-13290-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 10/04/20
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:

The claimant filed a timely appeal from the October 23, 2020, (reference 01), 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 October 10, 2020. After due notice was issued, a telephone conference hearing was scheduled to be held on December 18, 2020. Claimant participated.

ISSUE:

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 claimed benefits for the week-ending October 10, 2020. Claimant is a union member. At the time he made his weekly claim, his unemployment insurance account did not reflect that. Claimant has since been changed to a “Group Code 5,” which is the designation for union members. Union members are only required to make one job search each week by checking in with their union for work. Claimant has done so for each week he filed weekly claims for benefits.

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 and was available for work during the week-ending October 10, 2020.

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 96.1A, subsection 38, paragraph "b", subparagraph (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 October 10, 2020. Accordingly, the warning was not appropriate.

DECISION:

The October 23, 2020, (reference 01) unemployment insurance decision is REVERSED. The claimant did make an active and earnest search for work for the week-ending October 10, 2020. Therefore, the warning was not appropriate. Benefits are allowed, provided claimant is otherwise eligible.



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December 31, 2020
Decision Dated and Mailed

cal/scn