

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HOLLAN PHILLIPS
Claimant

APPEAL 22A-UI-08795-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/04/21
Claimant: Appellant (1)**

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:

Claimant, Hollan Phillips, filed an appeal from the February 23, 2022, (reference 02), unemployment insurance decision that issued a work search warning, and warned the claimant they must make a minimum of four employment contacts each week. After due notice was issued, a telephone conference hearing was held at on May 18, 2022. Official notice was taken of the administrative records. Claimant Exhibit A was admitted. The record was held open to allow claimant to submit additional documentation. An email sent by claimant to IWD was received and admitted as Claimant Exhibit B.

ISSUE:

Did the claimant make an adequate work search for the week ending February 19, 2022, and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established the claim for unemployment insurance benefits with an effective date of July 4, 2021. Claimant was aware she was expected to make required job search contacts each week.

Effective Sunday, January 16, 2022, to maintain eligibility for unemployment insurance (UI) benefits, you must:

1. register in [IowaWORKS\(link is external\)](#);
2. complete at least four valid reemployment activities per week, three of which must be job applications;
3. record and certify reemployment activities in the Job Contact and Reemployment Activity Log - see detailed instructions below; and,
4. file your weekly application for unemployment benefits.ⁱ

Claimant filed a claim for unemployment insurance benefits for the week ending February 19, 2022. Claimant was able to locate three contacts made. Claimant was otherwise able and available for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge affirms the initial decision and concludes the warning was warranted.

Iowa Code § 96.4(3) provides:

Required findings.

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.

Iowa Admin. Code r. 871-24.2(1)c provides in part:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

c. All claimants on an initial claim shall state that they are registered for work and shall list their principal occupation. A group code will be assigned to the claimant to control the type of registration that is made. Code assignments will be based on all facts obtained at the time of the claim filing. A group code change can be made at any time during the benefit year if additional information is obtained by the agency. The group codes are:

(1) Group "3" claimants are workers who are employed on a reduced workweek or temporarily unemployed for a period, verified by the department, of four consecutive weeks or less, due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular "employer." This group pertains only to those individuals who

worked full-time and will again work full-time if the individuals' employment, although temporarily suspended, has not been terminated. After a period of temporary unemployment, claimants in this group are reviewed for placement in group "5" or "6."

(2) Group "4" claimants are those individuals who have left employment in lieu of exercising their right to bump or oust a fellow employee with less seniority or priority from the fellow employee's job. Group "4" claimants shall have only the search for work provision of Iowa Code section 96.4(3) and the disqualification provision for failure to apply for or to accept suitable work of Iowa Code section 96.5(3) waived. The group "4" code shall not apply to weeks claimed under the extended benefit or federal supplemental compensation programs.

(3) Group "5" claimants are those individuals who are members of unions, trades, or professionals having their own placement facilities. Claimants assigned to this group will be registered for work. A paid-up membership must be maintained. Contact must be made weekly to check for available work. Loss of membership shall result in an assignment to group "6."

(4) Group "6" claimants are those individuals who do not otherwise meet the qualification group code "3," "4," or "5." This group must complete and document work searches made either in-person, online or by submitting a resumé.

(5) Group "7" claimants are workers who are employed on a reduced workweek with an employer who is under voluntary shared work contract approved by the department. This group pertains only to those individuals who worked full-time and will again work full-time if the individuals' employment, although temporarily suspended, has not been terminated. Once the contract expires, claimants in this group are reviewed for placement in group "3," "4," "5," or "6."

(6) Group "8" claimants are workers who are part of a federally declared emergency. Once the emergency period expires, claimants in this group are reviewed for placement in group "3," "4," "5," or "6."

Administrative records do not reflect claimant logged four work search contacts as required for the week ending February 19, 2022. Claimant was unable to produce information about her four contacts for that week at the time of hearing. The administrative law judge is sympathetic to the claimant but concludes the warning was appropriate.

DECISION:

The February 23, 2022 (reference 02) initial decision is affirmed. The work search warning was appropriate and remains in claimant's file.



Jennifer L. Beckman
Administrative Law Judge
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May 24, 2022
Decision Dated and Mailed

jlb/scn

ⁱ <https://www.iowaworkforcedevelopment.gov/iowa-work-search-requirements-uiirex>