

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LUANN ARNETT
Claimant

APPEAL 19A-UI-01921-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/13/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the February 26, 2019, (reference 03) decision that warned the claimant to keep a complete record of her job contacts but did not deny benefits. After due notice was issued, a hearing was held by telephone conference call on April 4, 2019. Claimant participated. Becky Goodier, Workforce Advisor, participated on behalf of Iowa Workforce Development Department. Department's Exhibits 1 through 3 were admitted into the record. Claimant's Exhibit A was admitted into the record.

ISSUE:

Is the warning for claimant's alleged failure to keep an adequate record of her work searches appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was selected to participate in reemployment services. As part of that process she met with Becky Goodier on February 26 to review her work search record. Claimant's work search record is found at Claimant's Exhibit A. When Ms. Goodier reviewed the work search, she found the claimant had not completed all parts of the form. Missing information included the complete address of the employer contacted, the telephone number of the employer, the name of the person contacted and the result of the contact.

When filing her claim for unemployment insurance benefits the claimant had checked the box indicating that she knew she was responsible for reading and knowing the contents of the unemployment insurance handbook. The handbook, found at Department's Exhibit 1 clearly specifies that the company address and phone number as well as the name of the person contacted and the result of the contact must be included in the written record of the job contact.

On February 26, 2019 Ms. Goodier issued a warning to the claimant because her job search record was incomplete.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant did not keep an adequate record of her work search, and the warning was appropriate.

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 96.19, 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 was given the instructions to read and comply with the claimant's handbook. She did not read the handbook on what information was necessary on her work search record until after she met with Ms. Goodier on February 26. Failure to read and follow the instructions in the claimant's handbook does not excuse an inadequate record of her work search contacts. Accordingly, the warning was appropriate.

DECISION:

The February 26, 2019, (reference 03), decision is affirmed. The claimant did not make an adequate record of her work searches. Therefore, the warning was appropriate.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs