

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TAMMIE COLLUM**  
Claimant

**APPEAL 20A-UI-14415-ED-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 10/25/20  
Claimant: Appellant (2)**

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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 November 3, 2020, (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 October 31, 2020. After due notice was issued, a telephone conference hearing was scheduled to be held on January 12, 2021. Claimant participated personally.

**ISSUE:**

Did the claimant make an adequate work search for the week-ending October 31, 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 31, 2020. Claimant is required to make two job searches each week. Claimant has done so for each week she filed weekly claims for benefits. For the week ending October 31, 2020, claimant submitted her resume in person to a medical facility in response to a position opening. Claimant also submitted her application/resume online in response to another job posting.

**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 31, 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 96.1 A, 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:

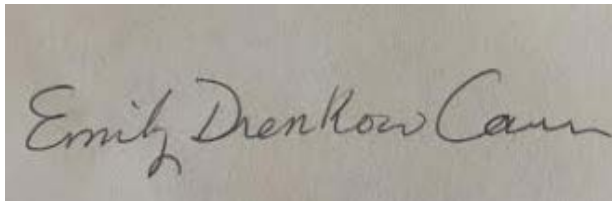
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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 31, 2020. Accordingly, the warning was not appropriate.

**DECISION:**

The November 3, 2020, (reference 02) unemployment insurance decision is REVERSED. The claimant did make an active and earnest search for work for the week-ending October 31, 2020. Therefore, the warning was not appropriate. Benefits are allowed, provided claimant is otherwise eligible.

A photograph of a handwritten signature in cursive script that reads "Emily Drenkow Carr". The signature is written in dark ink on a light-colored, slightly textured paper background.

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Emily Drenkow Carr  
Administrative Law Judge  
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January 29, 2021  
Decision Dated and Mailed

ed/scn