

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KIM M UNTIET
Claimant

APPEAL 14A-UI-11665-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/10/14
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 4, 2014, reference 06, decision that warned claimant to make at least two in-person work search contacts per week but did not deny benefits for the week ending November 4, 2014. After due notice was issued, a telephone conference hearing was scheduled to be held on December 3, 2014. Claimant's appeal letter was sufficient to resolve the issue and no hearing was held.

ISSUE:

The issue is whether claimant made an adequate work search for the week ending November 1, 2014 and if the warning was 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 1, 2014. She accepted employment during that week and began her new job. The claimant was not obligated to continue looking for work once she accepted employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has was able to and available for work and the warning was inappropriate.

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 sufficiently demonstrated to the satisfaction of the administrative law judge that she was able to and available for work during the week ending November 1, 2014 as she accepted and began new employment. Under these circumstances the warning was inappropriate.

DECISION:

The November 4, 2014, reference 06, decision is reversed. The claimant was able to and available for work during the week ending November 1, 2014. Therefore, the warning was inappropriate.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

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