

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TRACIE L POSTLETHWAIT
Claimant

APPEAL 19A-UI-07763-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CHIROPRACTIC HEALTH CARE
Employer

OC: 07/07/19
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available/Work Search
871 IA Admin. Code 24.22(3) – Earnest and Active Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 23, 2019, (reference 03), unemployment insurance decision that denied benefits for the week ending September 17, 2019. After due notice was issued, a telephone conference hearing was scheduled to be held on October 24, 2019. Claimant participated and had witness Jodie Speas. Employer had witnesses Eric Griggs, Amanda Griggs, Marla Wardill, and Brook Linn. Claimant's Exhibit A was admitted into evidence.

ISSUE:

Did the claimant make an adequate work search for the week ending September 17, 2019?

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 September 17, 2019. She did make two work searches for that week. She made an error in the reporting system when filing the weekly claim by transposing a couple of numbers used to report. This was a clerical error and not a work-search error. Throughout this time, claimant was able and available for work.

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.

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 has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending August 17, 2019. Accordingly, the denial of benefits was not appropriate.

DECISION:

The September 23, 2019, (reference 03) unemployment insurance decision is reversed. The claimant did make an active and earnest search for work for the week ending August 17, 2019. Therefore, the denial of benefits was not appropriate. Claimant is eligible for benefits for the week ending August 17, 2019, provided claimant meets all other eligibility requirements.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn