

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ISIAAH M DANGA
Claimant

APPEAL 19A-UI-01837-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

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

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22 – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the February 20, 2019, (reference 06) decision that denied benefits for the one week ending February 2, 2019 due to claimant's failure to make job searches. After due notice was issued, a hearing was held by telephone conference call on March 19, 2019. Claimant participated.

ISSUE:

Did the claimant make an adequate search for work for the week ending February 2, 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 February 2, 2019. The claimant did not make two work searches for that week as he was confused about his obligation to make searches if he was attending school. Claimant did not contact anyone at Iowa Workforce Development to inquire about his obligation to make work searches.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not 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".

The claimant did not make the required job searches for the week in question. The statute requires the claimant make the required job searches in order to be considered able to and available for work. Claimant had been given prior notice by the agency that he was required to make job searches. Claimant could have sought assistance from Iowa Workforce Development to clarify his obligations but he did not do so. The claimant did not make an active and earnest search for work for the week ending February 2, 2019. Accordingly, benefits are denied for that week.

DECISION:

The February 20, 2019, (reference 06), decision is affirmed. The claimant did not make an active and earnest search for work for the week ending February 2, 2019. Benefits are denied.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs