

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DORINDA LUKE
Claimant

APPEAL 15A-UI-03225-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/01/15
Claimant: Appellant (4/R)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.2(1)c(6) – Résumé Work Searches

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 10, 2015 (reference 01) decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made. The claimant's appeal letter was sufficient to resolve the issue and no hearing was held.

ISSUES:

Did the claimant make an adequate work search for the week ending March 7, 2015 and was the warning appropriate?

Should the work searches be made in-person or by résumé?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of March 1, 2015. During the week ending March 7, 2015, the claimant failed to conduct at least two in-person work searches. The claimant conducted her work search by résumé. She is seeking employment in management and director roles, which customarily seek employees through résumé submissions. She is also currently identified as a "Group 2" claimant.

REASONING AND CONCLUSIONS OF LAW:

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.

Iowa Admin. Code r. 871-24.2(1)c(6) provides: "Group "6" claimants are those individuals whose occupations are of a nature that utilize résumés or who are normally unable, due to factors such as occupation, distance, etc., to make in-person contacts for employment." Based on the claimant's work history and the current positions in senior management that she is applying for, a "Group 6" designation is more appropriate than "Group 2."

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending March 7, 2015. Accordingly, the warning was inappropriate.

DECISION:

The March 10, 2015 (reference 01) decision is modified in favor of the claimant. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was not appropriate. The claimant's work search designation shall be changed to reflect her as a "Group 6" and include résumé work searches effective March 1, 2015.

REMAND:

The identification group issue delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development to reflect the claimant's change from Group 2 to Group 6.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/can