



Department of Inspections,
Appeals, & Licensing

Iowa Department of Inspections, Appeals, & Licensing
Administrative Hearings Division
6200 Park Avenue, Suite 100, East Entrance
Des Moines, IA 50321-1270

Appeal Decision

Claim Number:

Determination Number:
7527437

Appeal Filed By:
Wyatt Wolver

Appeal Filed Date:
02/01/2026

Appeals Bureau Docket:
2026001634-AT



APPEALS DECISION ORDER

Mail Date: April 27, 2026

Appellant

Claimant/Job Seeker: Wyatt Wolver
Claimant address:

Social Security Number:



Appellee

Employer: N/A
Employer address:

In regard to the appeal by Wyatt Wolver:

STATUTORY REFERENCE

DECISION/REMAND

Iowa Code § 96.4(3) - Able and Available/Work Search
Iowa Admin. Code r. 871-24.15(3) - Earnest and Active Search for Work
Iowa Admin. Code r. 871-24.16(15) - Work Search Denial

STATEMENT OF THE CASE:

On February 1, 2026, claimant Wyatt Wolver filed an appeal from the January 28, 2026, unemployment insurance decision that denied benefits due to claimant's failure to log and certify four reemployment activities for the week ending December 27, 2025. The Unemployment Insurance Appeals Bureau mailed notice for the hearing on February 3, 2026. Administrative Law Judge Elizabeth A. Johnson commenced a telephonic hearing at 8:00 a.m. on Monday, April 20, 2026; the hearing was continued until 11:00 a.m., so claimant could participate on his lunch break. Fifteen appeals were brought onto one consolidated hearing record: 2026001630-AT, 2026001631-AT, 2026001632-AT, 2026001633-AT, 2026001634-AT, 2026001635-AT, 2026001636-AT, 2026001637-AT, 2026001638-AT, 2026001639-AT, 2026001640-AT, 2026001641-AT, 2026001642-AT, 2026001643-AT, and 2026001644-AT. Claimant Wyatt Wolver personally participated. The administrative law judge took official notice of the administrative record.

The claimant had forgotten about the hearing and did not have any documentation with him when he called in to participate. For that reason, the administrative law judge left the record open until 8:00 a.m. on Thursday, April 23, 2026, to allow claimant additional time to submit records of (1) any jobs he applied for between December 14, 2025, and January 24, 2026; and (2) any hours he worked and wages he earned between December 14, 2025, and January 24, 2026. The claimant submitted pay stubs; one pay stub

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covered several days from the requested time period, but the rest were from weeks outside the requested time period. The claimant did not submit any records related to job applications.

ISSUES:

Whether claimant is able to and available for work.
Whether claimant failed to make an active work search.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:
Claimant filed a claim for unemployment insurance benefits effective November 2, 2025, because the employer was reducing his hours. He filed his first weekly claim for the week ending November 8, 2025. Claimant reported earning \$279 in gross wages that week, and he received a partial benefit payment amount as a result of his earnings claimed. Claimant provided a pay stub for the pay period beginning Thursday, October 30, and ending Wednesday, November 5, showing he worked 23.08 hours and earned \$530.84 in gross wages during that time period. Claimant did not provide a pay stub covering November 6 through November 8, 2025. The work search warning for the week ending December 13, 2025, was mailed to claimant's last known address of record on December 16, 2025. He did receive the decision around the time it was issued to him in December 2025. The decision contained a warning that an appeal must be postmarked or received by the Appeals Bureau by December 26, 2025. Claimant did not appeal until February 1, 2026. When the work search warning was issued, claimant did not reach out to anyone at Iowa Workforce Development (IWD), either at the local IowaWORKS office or on the customer service line. Instead, he spoke to coworkers and others who worked in lawn care, and they gave him the impression that he was not required to search for work because he was on a "seasonal layoff" and had filed for "seasonal unemployment." Claimant also reached out to his sister, who works for a judge, to seek advice. Claimant filed continuous weekly claims from the week ending December 20, 2025, through the week ending January 24, 2026. He did not report any reemployment activities for any of these six weeks. Claimant later applied for jobs when the employer stopped offering him on-call hours. He did not record any of these job applications in IowaWORKS. Claimant obtained new employment with A-Plus Lawn and Landscaping, and he works for that employer now. For the week ending December 27, 2025, claimant reported earning \$23.00 in gross wages. He did not provide a pay stub for this pay period.

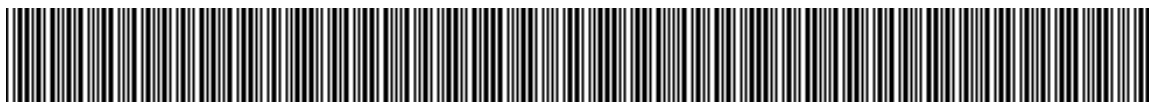
CREDIBILITY:

The administrative law judge, as the trier of fact, must determine the credibility of witnesses, weigh the evidence presented, and decide the facts at issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-95 (Iowa 2007). See also *McHose v. Property Assessment Appeal Bd.*, 870 N.W.2d 688 (Table) (Iowa 2015) (reiterating the role of the agency-level fact-finder). Administrative agencies are not bound by the technical rules of evidence. *IBP, Inc. v. Al-Gharib*, 604 N.W.2d 621, 630 (Iowa 2000). A decision may be based upon evidence that would ordinarily be deemed inadmissible under the rules of evidence, as long as the evidence is not immaterial or irrelevant. *Clark v. Iowa Dep't of Revenue*, 644 N.W.2d 310, 320 (Iowa 2002). Hearsay evidence is admissible at administrative hearings and may constitute substantial evidence. *Gaskey v. Iowa Dep't of Transp.*, 537 N.W.2d 695, 698 (Iowa 1995).

As the fact-finder, the administrative law judge may believe all, part or none of any witness's testimony. See *State v. Boley*, 5 N.W.3d 9 (Table) (Iowa App. Ct. 2024). In assessing witness credibility, the administrative law judge should consider the evidence using their own observations, common sense and experience. *Id.* (citing *State v. Frake*, 450 N.W.2d 817, 818-19 (Iowa 1990)). In finding the facts and deciding what testimony to believe, the fact finder may consider whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.* (citing *State v. Frake*, 450 N.W.2d at 819.)

During testimony, claimant could not remember when he worked, how many hours he worked, or how much he earned per hour. He claimed he attended a weekly meeting lasting between 60 and 90 minutes each week, and he also testified that he was contacted at least once every two weeks to perform on-call work. To confirm that claimant had worked and had accurately reported the wages he earned, administrative law judge specifically requested that the claimant send in pay stubs covering the weeks that he had filed weekly claims; reported \$23.00 in wages; reported no reemployment activities; and received a full benefit payment. In an effort to the instructions were clear, the administrative law judge followed up the verbal instructions from the hearing with written instructions via email. These instructions read in relevant part:

As you know, I left the hearing record open until 8:00 a.m. on Thursday, April 23, 2026, to give you additional time to provide documentation related to two issues: (1) any jobs you applied for between December 14, 2025, and January 24, 2026 (including emails confirming the filing of applications, Indeed.com documents, etc.); and (2) any hours you worked and wages you earned between December 14, 2025, and January 24, 2026 (specifically, pay stubs or an affidavit/statements from your payroll administrator at work). Please ensure you email these documents to helpuiappeals@dia.iowa.gov no later than 8:00 a.m. on Thursday, April 23, 2026, so that I can incorporate them into my determinations.



While claimant provided numerous pay stubs, none of those provided showed he earned any wages between December 14, 2025, and January 21, 2026. He did provide one pay stub covering three days of the final week at issue - January 22 through January 24, 2026. Between those three days and the beginning of the following week (January 25 through January 28), claimant worked 3.5 hours and earned \$80.50 in wages. The records claimant provided do not support the wages he reported when filing his weekly claims for the six weeks he has been denied benefits. For that reason, the administrative law judge does not find claimant's reported wages to be credible, nor does she find his testimony credible that he attended a weekly meeting and worked on-call hours frequently.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant did not complete the reemployment activities as required for the week ending December 20, 2025. Benefits for that week are denied.

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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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. 871-24.15(3) provides:

To be eligible for benefits, the individual bears the burden of establishing, and the department must find, that the individual is able to work, available for work, and earnestly and actively seeking work.

(3) Earnestly and actively seeking work. Mere registration at a workforce development center does not establish that the individual is earnestly and actively seeking work. It is essential that the individual personally and diligently search for work. It is difficult to establish definite criteria for defining the words earnestly and actively. Much depends on the estimate of the employment opportunities in the area. The number of employer contacts which might be appropriate in an area of limited opportunity might be totally unacceptable in other areas. When employment opportunities are high an individual may be expected to make more than the usual number of contacts. Unreasonable limitations by an individual as to salary, hours or conditions of work can indicate that the individual is not earnestly seeking work. The department expects each individual claiming benefits to conduct themselves as would any normal, prudent individual who is out of work.

a. Basic requirements. An individual will be ineligible for benefits for any period for which the department finds that the individual has failed to make an earnest and active search for work. The department makes determinations on a case-by-case basis. Subject to the foregoing, applicable actions of the following kind are considered an earnest and active search for work if the department finds each constitutes a reasonable means of securing work by the individual:

(1) Applying with employers reasonably expected to have suitable openings.

(2) Registering with a placement facility of a school, college, or university if one is available in the individual's occupation or profession.

(3) Applying or testing for openings in the civil service of a governmental entity with reasonable prospects of suitable work for the individual.

(4) Responding to appropriate "want ads" for work that appear suitable to the individual if the response is made in writing, in person, or electronically.

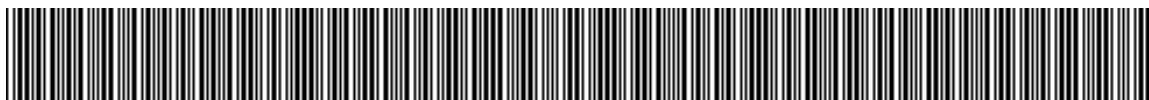
(5) Any other action that the department finds to constitute an effective means of securing work suitable to the individual.

(6) No individual is denied benefits solely on the ground that the individual has failed or refused to register with a private employment agency or at any other placement facility that charges the job-seeker a fee for its services. However, an individual may count as one of the work contacts required for the week an in-person contact with a private employment agency.

(7) An individual is considered to have failed to make an effort to secure work if the department finds that the individual has followed a course of action designed to discourage prospective employers from hiring the individual in suitable work.

b. Number of employer contacts. "Earnestly and actively" may be interpreted in different manners, depending on the estimate of employment opportunities in an area. The number of employer contacts appropriate in an area of limited opportunities might be totally unacceptable in another area. The number of required contacts is dependent upon the condition of the local labor market, the duration of benefit payments, a change in the individual's characteristics, job prospects in the community, and other factors as the department deems necessary. Reemployment activities must be recorded as directed by the department.

c. Exceptions.



(1) Members of unions or professional organizations who normally obtain their employment through union or professional organizations are considered as earnestly and actively seeking work if they maintain active contact with the union's business agent or with the placement officer in the professional organization. A paid-up membership must be maintained if this is a requirement for placement service. The trade, profession, or union to which the individual belongs must have an active hiring hall or placement facility, and the trade, profession, or union must be the source customarily used by employers in filling their job openings...

(2) The requirement for seeking work is waived if all of the following conditions apply:

1. The individual is attached to a regular job or industry.
 2. The individual is a high-skilled worker. For purposes of this numbered paragraph, "high-skilled worker" means a worker whose job or position requires licensing, credentials, or specialized training.
 3. The individual is on a short-term temporary layoff. For purposes of this numbered paragraph, "short-term temporary layoff" means a layoff period of 16 weeks or less due to seasonal weather conditions that impacts the ability to perform work related to highway construction, repair, or maintenance with a specific return-to-work date verified by the employer.
 4. The individual otherwise qualifies for unemployment insurance benefits.
- d. Week-to-week disqualification. Disqualification due to failure to conduct reemployment activities is made on a week-to-week basis and is not permanent.
- h. Job search assistance. Attendance at job search assistance classes, including reemployment services, that are sponsored by the department may be counted as one of the individual's reemployment activities for the week.

The administrative rule that outlines the work search requirements includes a waiver from the work search requirement altogether, provided four criteria are met. 871 IAC r. 24.15(3)"c"(2). The claimant must (1) be attached to a regular job; (2) be employed in a position that requires special licensing, credentialing, or training; (3) be on a layoff of 16 weeks or fewer due to seasonal weather conditions that render them unable to perform work related to highway construction, repair, or maintenance and have a specific return-to-work date that has been verified by the employer; and (4) be otherwise qualified to receive unemployment benefits.

The weight of the evidence shows that claimant was an employee of a lawn care company whose workload was affected by seasonal weather conditions. Like all other similarly-situated employees laid off due to a lack of work in the winter months, claimant was not required to look for work during the first four weeks of his layoff. However, as of the fifth week he was no longer considered "temporarily unemployed" per Iowa law. He did not qualify for the exemption set forth in 871 IAC r. 24.15(3)"c"(2), and he did not speak with anyone about IWD to clarify any of his misconceptions about the work search requirement. IWD issued him a warning notifying him that he was required to complete four reemployment activities as part of his eligibility for UI benefits, and he received that warning and was aware of the requirement. There is no credible evidence that claimant worked and earned insured wages during the week in question. Claimant failed to complete any reemployment activities during the week ending December 27, 2025. Benefits are denied for that week.

DECISION:

The December 16, 2025, unemployment insurance decision is AFFIRMED. Claimant has not demonstrated an active and earnest search for work for the week ending December 27, 2025. Benefits are denied.



Elizabeth JOHNSON

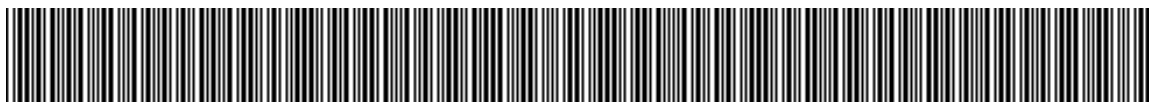
Administrative Law Judge

Iowa Department of Inspections, Appeals, & Licensing

Administrative Hearings Division

Unemployment Insurance Appeals Bureau

Please see the last page of this document for important information about reopening the appeal and further appeal rights.



INSTRUCTIONS FOR FILING AN APPEAL

If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, IA 50321
Fax: (515)281-7191
Online: IowaWORKS account

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

1. A reference to the decision from which the appeal is taken.
2. That an appeal from such decision is being made and such appeal is signed.
3. The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code 17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17a.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Iowa Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while the appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.



Babel Notice – Claim and Appeal Information

Aviso: Aviso: Documento De Beneficios Del Seguro De Desempleo
Y Información De Apelación

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上诉截止日期：如果您不同意本裁定或决定，您必须在本文件所载截止日期前提出上诉。**立即：**如果需要，请拨打866-239-0843，可获得帮助，以利您翻译和理解所收到的文件中的信息。

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Ang mga dokumentong ito ay naglalaman ng mahalagang impormasyon tungkol sa iyong mga karapatan na makatanggap ng kabayaran, mga responsibilidad at /o benepisyo dahil sa pagkawala ng trabaho. Napakahalagang maunawaan mo ang mga impormasyong nilalaman sa dokumentong ito. **HULING ARAW PARA UMAPILA:** Kung hindi ka sumasang-ayon sa pagpapasiya o desisyon, dapat kang maghabol o magharap ng apila bago dumating ang huling araw na nabanggit sa dokumentong ito. **KAAGAD:** Kung kinakailangan ang tulong, tumawag sa 866-239-0843 para sa pagsasalin ng wika at pag-unawa ng impormasyon sa mga dokumentong natanggap mo.

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Ovaj dokument sadrži važne informacije o vašim pravima za naknadu nezaposlenosti, odgovornostima i/ili beneficijama. Veoma je važno da shvatite informacije u ovom dokumentu. **ROK ZA ŽALBU:** Ako se ne slažete s ovim određivanjem ili odlukom, morate uložiti žalbu prije roka navedenog u ovom dokumentu. **ODMAH:** Ako je potrebno, nazovite 866-239-0843 za pomoć u prijevodu i razumijevanju informacija u dokumentu(ima) kojeg ste primili.

ໝາຍເຫລາະສາ

ສໍາຄັນ! ເອກະສານນີ້ປະກອບດ້ວຍຂໍ້ມູນທີ່ສໍາຄັນກ່ຽວກັບສິດທິການຊົດເຊີຍການຫວ່າງງານ, ຄວາມຮັບຜິດຊອບ ແລະ/ຫຼືຜົນປະໂຫຍດຂອງທ່ານ. ມັນເປັນສິ່ງ ສໍາ ຄັນທີ່ທ່ານຕ້ອງເຂົ້າໃຈຂໍ້ມູນໃນເອກະສານນີ້. ກໍານົດເວລາການອຸທອນ: ຖ້າທ່ານບໍ່ເຫັນດີກັບການກໍານົດ ຫຼືການຕັດສິນໃຈນີ້, ທ່ານຕ້ອງອໍ້ນອຸທອນກ່ອນກໍານົດເວລາທີ່ລະບຸໄວ້ໃນເອກະສານນີ້. ທັນທີ: ຖ້າຕ້ອງການ, ໃຫ້ໃບຫາ 866-239-0843 ສໍາລັບການຊ່ວຍເຫຼືອໃນການແປ ແລະຄວາມເຂົ້າໃຈຂອງຂໍ້ມູນໃນເອກະສານທີ່ທ່ານໄດ້ຮັບ.

هام!

تحتوي هذه الوثيقة/ الوثائق على معلومات مهمة حول حقوق تعويض البطالة ومزاياها، لذا من الأهمية فهم المعلومات الواردة فيها. وإن كنت غير موافق على ما تحمله هذه الوثيقة/ الوثائق فيجب عليك تقديم استئناف قبل الموعد النهائي المشار إليه في هذه الوثيقة والاتصال فوراً على الرقم التالي: 866-239-0843 (٨٦٦٢٣٩٠٨٤٣) وإذا كنت بحاجة إلى مساعده في ترجمة وفهم المعلومات الواردة في هذه الوثيقة فلا تردد بالسؤال.