

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WEITING YU
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL NO. 24A-UI-02191-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/07/24
Claimant: Appellant (2R)

Iowa Code Section 96.4(3) – Able & Available, Work Search Warning

STATEMENT OF THE CASE:

On February 23, 2024, Weiting Yu (claimant) filed a timely appeal from the February 13, 2024 (reference 01) decision that reminded the claimant that she was required to engage in four reemployment activities, including three job applications, each benefit week and that warned the claimant could be disqualified for benefits for future weeks in which the claimant did not meet the work search requirement. The reference 01 decision cited the weekly claim for the week ending February 10, 2024 as the basis for the work search warning decision. After due notice was issued, a hearing was held on March 20, 2024. Claimant participated. Exhibits A and B were received into evidence. The administrative law judge took official notice of the following agency administrative records: KCCO, DBRO, WAGEA, and IowaWORKS.gov.

ISSUES:

Whether the claimant was able to work and available for work during the week that ended February 10, 2024.

Whether the claimant met the work search/reemployment activities requirements during the week that ended February 10, 2024.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Weiting Yu (claimant) established an original claim for benefits that was effective January 7, 2024. Ms. Yu made weekly claims for the weeks ending February 10 and 17, 2024. During the week that ended February 10, 2024, Ms. Yu applied for four jobs. Ms. Yu entered her job application information at IowaWORKS.gov. Ms. Yu did not certify her work search information at IowaWORKS.gov during the following week, prior to making her weekly claim. Iowa Workforce Development records (IowaWORKS.gov) reflect that Ms. Yu has multiple IowaWORKS.gov accounts, which likely factored in the absence of a certification for the week that ended February 10, 2024. In addition, Ms. Yu was a first-time claimant and lacked a full understanding of the weekly claim steps. Ms. Yu thought the work search information she entered at IowaWORKS.gov would automatically be reflected in her weekly claim. When Ms. Yu

made her weekly claim through the weekly claim reporting system, that system erroneously documented zero job applications. The weekly claim information prompted the February 13, 2024 (reference 01) work search warning decision from which Ms. Yu appeals in the present matter. Ms. Yu accepted new employment that she started on February 16, 2024, which led to discontinuation of the unemployment insurance claim after the week that ended February 17, 2024.

At the time the claimant established the original claim for benefits, the application process required the claimant acknowledge an obligation to read, know and follow the information contained in the Unemployment Insurance Claimant Handbook. The portion of the handbook regarding Continued Eligibility sets forth the requirement of four reemployment activities, including three job applications, each week of the claim, as well as the requirement to certify reemployment activities via IowaWORKS.gov prior to filing the weekly claim. In addition, the confirmation page at the end of the initial application process would have provided similar information.

REASONING AND CONCLUSIONS OF LAW:

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. 871-24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

Iowa Admin. Code r. 871-24.23(27) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(27) Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

The evidence in the record establishes that Ms. Yu was able to work, available for work, and actively and earnestly engaged in a search for new employment during the week that ended February 10, 2024. Ms. Yu merely missed the step of certifying her job search information via the IowaWORKS.gov website. This was likely attributable to the existence of multiple IowaWORKS.gov accounts. The work search warning for the week that ended February 10, 2024 is unwarranted and is hereby reversed. The claimant is eligible for benefits, provided she is otherwise eligible. This matter will be remanded to Iowa Workforce Development Benefits Bureau to address the issue of multiple IowaWORKS.gov accounts.

DECISION:

The February 13, 2024 (reference 01) work search warning decision is REVERSED. The claimant was able to work, available for work, and actively and earnestly engaged in a search for new employment during the week that ended February 10, 2024. The claimant is eligible for benefits, provided she is otherwise eligible.

REMAND:

This matter is REMANDED to Iowa Workforce Development Benefits Bureau for resolution of the multiple IowaWORKS.gov accounts into one account.



James E. Timberland
Administrative Law Judge

March 21, 2024
Decision Dated and Mailed

JET/jkb

APPEAL RIGHTS. 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 Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

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) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) 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>.

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 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 this 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.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.