

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

DEAN A SCHMIDT  
3157 LOG AVE  
SHELDON IA 51201

IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT

Appeal Number: 04A-UI-04726-CT  
OC: 12/28/03 R: 01  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

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.

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.

YOU MAY REPRESENT yourself in this appeal or you may 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Work Search Requirements

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated April 20, 2004, reference 02, which warned that he was to make at least two in-person job contacts each week.. A hearing was informally scheduled for May 5, 2004. Based on the disposition of Appeal 04A-UI-04727-CT, a hearing was deemed unnecessary.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: Mr. Schmidt was not available for work during the week ending April 10, 2004 because he was

out of town for a funeral. He has been denied job insurance benefits for the week. He did not make any job contacts during the week at issue.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the warning issued to Mr. Schmidt should be rescinded. He did not make job contacts during the week ending April 10, 2004 because he was out of town. An individual is not required to seek work if he is not available for work. Inasmuch as Mr. Schmidt would not be required to seek work during the week in question, a warning should not be issued for failing to do so. Accordingly, the warning shall be removed.

DECISION:

The decision of the representative dated April 20, 2004, reference 02, is reversed. The work search warning issued for the week ending April 10, 2004 is hereby rescinded.

cfc/s