

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

LARRY J MCCLAIN
Claimant

APPEAL NO. 08A-UI-07578-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/27/08 R: 12
Claimant: Appellant (1)**

Section 96.4(3) – Work Search Requirements

STATEMENT OF THE CASE:

Larry McClain filed an appeal from a representative's decision dated August 12, 2008, reference 02, which warned that he had to make at least two in-person job contacts each week. After due notice was issued, a hearing was held by telephone on September 4, 2008. Mr. McClain participated personally.

ISSUE:

At issue in this case is whether the work search warning issued to Mr. McClain should be rescinded.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. McClain filed a claim for job insurance benefits effective July 27, 2008. He was provided written materials concerning his responsibilities as a claimant for benefits. He knew he was to make two in-person job contacts each week in order to remain eligible to receive benefits.

During the week ending August 2, 2008, Mr. McClain sought work at his cousin's business, McClain Trucking. He did not make any other job contacts that week. His next contact was made on August 4 with Kangaroo Gas. Mr. McClain was waiting to get his commercial license back at the time. He returned to work on August 10, 2008.

REASONING AND CONCLUSIONS OF LAW:

In order to receive job insurance benefits, an individual must actively and earnestly look for work. See Iowa Code section 96.4(3). Workforce Development has determined that at least two in-person contacts each week will satisfy this requirement. When questioned about his two contacts, Mr. McClain initially indicated that one was on July 28 and the other on August 4. He later indicated that the contact he made on August 4 was a re-contact of an employer he contacted during the week ending August 2. The administrative law judge is not satisfied that Mr. McClain did, in fact, make two contacts the week ending August 2, 2008. It appears that he

only checked with his cousin for work as he was waiting to have his license restored so he could return to work with a specific employer.

Inasmuch as Mr. McClain did not make the two required contacts during the week ending August 2, the warning was appropriate. The warning does not result in any disqualification from benefits at this time. However, should he fail to make the required two contacts during any future weeks while claiming benefits, he may be disqualified at that time.

DECISION:

The representative's decision dated August 12, 2008, reference 02, is hereby affirmed. The work search warning issued to Mr. McClain for the week ending August 2, 2008 shall stand.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css