

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

ROBERT E ENGEMAN
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IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-03923-B4T
OC: 11-30-03 R: 12
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Whether Claimant Failed to Make an Active and Earnest Search for Work

STATEMENT OF THE CASE:

Robert E. Engeman appealed from an unemployment insurance decision dated March 30, 2004, reference 03, that warned the claimant he was required to make a minimum of two job contacts each week he claimed unemployment insurance benefits. An explanation of the decision was that he indicated on his claim for unemployment insurance benefits for the benefit week ending March 27, 2004 that he made zero job contacts.

A telephone conference hearing was scheduled and held on April 20, 2004, pursuant to due notice. Robert E. Engeman participated.

FINDINGS OF FACT:

The administrative law judge, having examined the entire record in this matter, finds that: Robert E. Engeman filed an initial claim for benefits having an effective date of November 30, 2003. The claimant was initially classified in a manner which required him to make two job contacts each week. Subsequently on March 24, 2004, the claimant was notified by mail that he was not required to make job contacts due to being changed to a group six code as a claimant. The claimant did not receive the document until after he had filed his initial claim for benefits for the benefit week ending March 27, 2004.

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".

The evidence in the record clearly establishes that the claimant was initially required to file his claim and make two in-person job contacts each week. Subsequently the record discloses that the claimant's group code was changed to group code six. Group code six claimants are those individuals whose occupations are of a nature that utilize resumes or who are normally unable, due to factors such as occupation, distance, etc., to make in-person contacts for employment.

The change was made by mail and the claimant did not receive notice of the change until after he had filed his weekly benefit claim for the benefit week ending March 27, 2004.

Under such circumstances, the decision of the representative dated March 30, 2004, reference 03, should be reversed.

DECISION:

The unemployment insurance decision dated March 30, 2004, reference 03, is reversed. The claimant is no longer required to make a minimum of two in-person job contacts each week that he claims unemployment insurance benefits unless notified here and after of a new change in the group code.

tjc/b