

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANNE L GLOVER
Claimant

APPEAL NO. 08A-UI-10880-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/03/08 R: 02
Claimant: Appellant (2)**

Section 96.4-3 – Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated November 12, 2008, reference 03, which issued a warning to the claimant based upon a finding that the claimant had not performed an active work search for the week ending November 8, 2008. After reviewing the claimant's appeal letter and Agency benefit payment records, the administrative law judge concludes that no additional testimony is necessary.

ISSUE:

Should the claimant receive a warning for failing to make at least two in-person job contacts during the week in question?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The claimant did not conduct a work search during the week ending November 8, 2008, because she was in department-approved-training status for the week.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record. It should.

Iowa Code section 96.4-3 establishes a general rule that all claimants must make an active work search in weeks that they request benefits. The statute, however, creates several exceptions, one of which is for individuals in training with the approval of the Agency. The evidence in this record persuades the administrative law judge that this claimant is such a person who is not required to make a work search. The warning shall be removed.

DECISION:

The unemployment insurance decision dated November 12, 2008, reference 03, is reversed.
The warning is removed from the claimant's record.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw