

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MATTHEW J PETERS**  
Claimant

**APPEAL NO. 11A-UI-16128-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/09/11  
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 December 13, 2011, reference 02, which imposed a warning upon a finding that the claimant had failed to make an active work search for the week ending December 3, 2011. After a review of the information in the claimant's appeal letter and Agency benefit payment records, the administrative law judge concludes that no additional testimony is necessary.

**ISSUE;**

Should the warning be removed from the claimant's record?

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: The claimant filed a claim for benefits effective November 27, 2011. The claim was filed late in the week, giving the claimant insufficient time to conduct a full work search.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 96.4-3 requires that claimants make an active work search each week that they request benefits. The agency ordinarily interprets this to require a minimum of two contacts per week. The record in this case, however, establishes that the claim was filed late in the workweek. The claimant did not have a reasonable opportunity to conduct a full work search. The warning shall be removed.

**DECISION:**

The unemployment insurance decision dated December 13, 2011, reference 02, is reversed.  
The warning is removed from the claimant's record.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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