

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

JAMAAL D MONTGOMERY
405 N SHERIDAN
OTTUMWA IA 52501

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-00976-DWT
OC: 01/16/05 R: 03
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 – Work Search

STATEMENT OF THE CASE:

Jamaal D. Montgomery (claimant) appealed a representative's January 25, 2005 decision (reference 02) that warned him he was required to make a minimum of two in-person job contacts each week he filed a claim for unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on February 15, 2005. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant make an active search for work during the week of January 16, 2005?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of January 16, 2005. He filed a claim for the week ending January 22, 2005.

The claimant made two in-person job contacts during the week of January 16, 2005. This was the first week the claimant called in his weekly claim and accidentally reported he made one job contact instead of two.

REASONING AND CONCLUSIONS OF LAW:

Before a claimant is considered eligible to receive weekly unemployment insurance benefits, he must make an active search for work. Iowa Code Section 96.4-3. The administrative rule states an individual shall be ineligible for benefits for any period for which the department finds the individual failed to make an earnest and active search for work. An individual must make a sincere effort to find a job. 871 IAC 24.22(3).

The evidence indicates the claimant actively looked for work during the week of January 16, 2005. Therefore, the warning issued to him in the representative's January 25, 2005 decision is not warranted.

DECISION:

The representative's January 25, 2005 decision (reference 02) is reversed. The claimant made an active search for work during the week ending January 22, 2005. Therefore, the warning issued to him was not warranted and shall be removed from his benefit history.

dlw/kjf