

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARTHA J GATHERCOLE**  
Claimant

**APPEAL NO. 08A-UI-11524-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/26/08 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 December 9, 2008, reference 01, which imposed a warning upon a finding that the claimant had failed to make in-person job contacts for the week ending December 6, 2008. 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 October 26, 2008. The claimant was authorized by the Agency to conduct a work search by résumé. The Agency miscoded the claim for benefits to indicate that the claimant must make the work search in person.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code section 96.4-3 establishes a general rule that all claimants must make an active work search each week that they request benefits. The Agency ordinarily interprets this to require a minimum of two in-person job contacts. Some individuals, based upon their occupation, are allowed to conduct their work search by résumé. The evidence in this record persuades the administrative law judge that this claimant is such a person. Since the claimant made an active work search by résumé during the week in question, the warning shall be removed.

**DECISION:**

The unemployment insurance decision dated December 9, 2008, reference 01, 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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