

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLTON BOLDEN
Claimant

APPEAL NO: 16A-UI-05344-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/10/16
Claimant: Appellant (2)

Section 96.4-3 – Adequate Work Search
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 26, 2016, reference 01, decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made. After due notice was issued, a hearing was held before Administrative Law Judge Julie Elder on May 24, 2016. The claimant participated in the hearing. Department's Exhibit D-1 was admitted into evidence.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: A warning letter was mailed to the claimant's last-known address of record on April 26, 2016. The decision contained a warning that an appeal must be postmarked or received by the Appeals Section by May 6, 2016. The appeal was not filed until May 9, 2016, which is after the date noticed on the disqualification decision. The claimant received the decision after the due date. Under these circumstances the administrative law judge concludes the claimant's appeal is timely.

The claimant filed a claim for unemployment insurance benefits with an effective date of April 10, 2016. The week ending April 23, 2016, the claimant hit the wrong button when filing his weekly claim for benefits and indicated he did not make the two required work searches. He actually applied at Applebee's and the U.S. Cellular Center as a concession worker that week.

ISSUE:

Whether the claimant failed to make an active and earnest search for work?

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 claimant is obligated to make at least two in-person work searches during each week benefits are claimed. The claimant hit the wrong button when making his weekly claim the week ending April 23, 2016. The warning was inappropriate as the claimant did make his work searches as required.

DECISION:

The April 26, 2016, reference 01, decision is reversed. The claimant's appeal is timely. The decision, warning the claimant to conduct at least two in-person work searches during each week benefits are claimed, was inappropriate as the claimant did make his two required work searches.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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