

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STRUM, NINA, M**  
Claimant

**APPEAL NO. 10A-UI-16411-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WESLEY RETIREMENT SERVICES INC**  
Employer

**OC: 10/31/10  
Claimant: Respondent (5)**

Iowa Code Section 96.4(3) – Work Search Requirement  
Iowa Code Section 96.6 – Aggrieved Party Requirement  
Iowa Code Section 96.6 – Written Appeal Requirement

**STATEMENT OF THE CASE:**

The Appeals Section docketed an *employer* appeal from the November 24, 2010, reference 03, decision that required *the claimant* to actively seek work by contacting at least two employers each week and to keep a record of the work search so that the claimant could provide the information upon request. An appeal hearing was set for January 18, 2011 and the parties were properly notified. The employer was available for the hearing through Stephanie Hamlin. Claimant did not respond to the hearing notice instructions and did not make herself available for the hearing. Upon review of the administrative file and the prior decision being appealed, the administrative law judge concluded a hearing was not necessary or appropriate.

**ISSUE:**

Whether the employer is an aggrieved party for purposes of the November 24, 2010, reference 01 decision.

Whether the claimant filed an appeal from the November 24, 2010, reference 01 decision.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: On November 24, 2010, a Workforce Development representative entered a reference 03 decision. The decision required *the claimant* to actively seek work by contacting at least two employers each week and to keep a record of the work search so that the claimant could provide the information upon request. The Appeals Section docketed an *employer* appeal from the November 24, 2010, reference 03, decision. *The claimant* never filed an appeal from the decision.

**REASONING AND CONCLUSIONS OF LAW:**

The appeal rights and procedures set forth at Iowa Code section 96.6 presuppose and require the existence of an aggrieved party. The appeals process requires that the aggrieved party file a

written appeal. *The employer* is not an aggrieved party in connection with the claims representative's November 24, 2010, reference 03, decision that required *the claimant* to actively seek work by contacting at least two employers each week and to keep a record of the work search so that the claimant could provide the information upon request. Because the employer is not an aggrieved party for purposes of the decision in question, and because the claimant never filed an appeal, there is no basis for appeal being docketed and no basis for proceeding with an appeal hearing. The appeal is hereby dismissed.

**DECISION:**

The Agency representative's November 24, 2010, reference 03 is modified as follows. The employer is not an aggrieved party. Claimant did not file an appeal. The appeal is dismissed. The decision that required *the claimant* to actively seek work by contacting at least two employers each week and to keep a record of the work search so that the claimant could provide the information upon request remains in effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs