

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

MURRAY F AUGUSTE  
1803 C STREET SW  
CEDAR RAPIDS IA 52404

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-02302-BT  
OC 433-71-5077 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 are 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 – Active Search for Work

STATEMENT OF THE CASE:

Murray Auguste (claimant) an unemployment insurance decision dated February 17, 2004, reference 02, which issued him a warning for not making a minimum of two in-person job contacts during the week ending February 14, 2004. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on March 23, 2004. The claimant participated in the hearing.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered the evidence in the record, finds that: The claimant established a claim for unemployment insurance benefits during the week of January 4, 2004. He understood that each week he filed a claim for unemployment insurance benefits, he was required to make a minimum of two in-person job contacts. During the week

ending February 14, 2004, he made only one in-person job contact because he found a part-time job.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is actively and earnestly seeking work. 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 claimant testified that he failed to make two in-person searches because he was working part time. The evidence indicates the claimant was actively looking for work during the week ending February 14, 2004. Accordingly, the warning shall be rescinded.

#### DECISION:

The unemployment insurance decision dated February 17, 2004, reference 02, is reversed. The claimant made two in-person job contacts for the week ending February 14, 2004, and the warning shall be rescinded.

sdb/s