

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY S STIFEL
Claimant

APPEAL NO. 10A-UI-13003-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/04/09
Claimant: Appellant (2R)

Section 96.4-3 – Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated September 14, 2010, reference 03, which issued a warning to the claimant based upon a finding that the claimant had not performed an active work search for the week ending September 11, 2010. After reviewing the claimant's appeal letter and Agency benefit payment records, the administrative law judge concludes that no additional testimony is necessary.

ISSUE:

Should the claimant receive a warning for failing to make at least two in-person job contacts during the week in question?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: During the week ending September 11, 2010 the claimant contacted the hiring hall of his union, Local 74 of the Asbestos Workers, to seek employment.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record. For the reasons which follow, the administrative law judge concludes that it should.

Iowa Code section 96.4-3 establishes the requirement that claimants must make an active work search each week that they request benefits. The Agency ordinarily interprets this provision as requiring a minimum of two in-person job contacts each week. However, individuals who customarily find employment through their local labor union hiring halls are required to contact that hall weekly. The evidence in this record persuades the administrative law judge that the claimant contacted his hiring hall during the week in question. The warning shall be removed.

DECISION:

The unemployment insurance decision dated September 14, 2010, reference 03, is reversed. The warning is removed from the claimant's record. The Agency shall recode the claimant as one who seeks employment through his local labor union hiring hall.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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