

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

CHARLES CRUMBAUGH
4600 WIDGEON CT
MARION IA 52302-6289

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-02775-BT
OC 02/19/06 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Active Search for Work

STATEMENT OF THE CASE:

Charles Crumbaugh (claimant) filed an appeal from an unemployment insurance decision dated February 28, 2006, reference 01, which issued him a warning for not making a minimum of two in-person job contacts during the week ending February 25, 2006. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on March 29, 2006. The claimant participated in the hearing. Claimant's Exhibit A was admitted into evidence.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered the evidence in the record, finds that: The claimant filed an on-line claim for unemployment insurance benefits on February 22, 2006. On that date, he was advised he was not required to look for work and he filed his claim for the week ending February 25, 2006 relying on that information. Iowa Workforce

Development mailed a notice to the claimant on February 23, 2006, advising him he was required to make two job contacts each week, but he did not receive that notice until after he had filed his weekly claim.

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).

In the case herein, the claimant did not make two job contacts for the week ending February 25, 2006 because he relied on information provided to him by Iowa Workforce Development on February 22, 2006 indicating he was not required to do so. Consequently, he is excused from making two job contacts for the one-week period ending February 25, 2006, and the warning issued to the claimant shall be rescinded.

DECISION:

The unemployment insurance decision dated February 28, 2006, reference 01, is reversed and the warning shall be rescinded. The claimant is hereafter required to make at least two job contacts each week.

sdb/kkf