

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

DAVID V PEAVLER
503 – 7TH AVE
PRESCOTT IA 50859

IOWA WORKFORCE DEVELOPMENT
DEPARTMENT

Appeal Number: 04A-UI-00567-CT
OC: 12/21/03 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 is 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) – Work Search Requirements

STATEMENT OF THE CASE:

David Peavler filed an appeal from a representative's decision dated January 13, 2004, reference 02, which warned that he was to make at least two in-person job contacts each week. Due notice was issued scheduling the matter for a telephone hearing to be held on February 9, 2004. Based on records of Workforce Development, the administrative law judge determined that a hearing was unnecessary.

FINDINGS OF FACT:

Having reviewed all the evidence in the record, the administrative law judge finds: When Mr. Peavler initially filed his claim for job insurance benefits effective December 21, 2003, he was considered to be on a temporary layoff. In a decision dated January 7, 2004, he was advised that he was no longer temporarily unemployed and would need to start making job contacts. Mr. Peavler did not receive the notification until late on Friday, January 9. Because of the late notice, he was not able to make job contacts for the week ending January 10, 2004. He has since been making the required job contacts.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the warning issued to Mr. Peavler should be rescinded. In order to receive job insurance benefits, an individual must actively and earnestly look for work. Iowa Code Section 96.4(3). A warning is appropriate where an individual fails to make the required work search in spite of knowing the requirements. In the case at hand, Mr. Peavler was not initially required to make job contacts. He did not receive notice that he was to start making contacts until the last workday of the week in which he was to start making the contacts. Until the evening of January 9, 2004, Mr. Peavler had a good-faith belief that he was not required to look for work because of his temporary layoff. The timing of the notice from Workforce Development did not allow him sufficient time to make job contacts for the week ending January 10, 2004. For the above reasons, the administrative law judge concludes that the warning should be removed.

DECISION:

The representative's decision dated January 13, 2004, reference 02, is hereby reversed. The work search warning issued to Mr. Peavler is hereby rescinded.

cfc/kjf