

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELSEY R BAILEY
Claimant

APPEAL NO: 10A-UI-00108-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/30/09
Claimant: Appellant (2)**

Section 96.4-3 - Active Work Search

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 29, 2009, reference 03, that warned that she had failed to make two in-person job contacts for the week ending December 26, 2009. A telephone hearing was held on February 13, 2010. The claimant participated in the hearing.

ISSUE:

Did the claimant actively search for work?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of August 30, 2009. She was approved for Department Approved Training (DAT) from September 5, 2009, to December 19, 2009, to attend Iowa State University. Her semester break was from December 20, 2009, to January 15, 2010. On December 23, she received DAT approval for her second semester of classes from January 15 to May 22, 2010. She understood that she did not have to make job contacts over her semester break as a result of the DAT approval.

The claimant filed a weekly claim for benefits using the voice response system. The claimant reported that she had not made two job contacts for the week ending December 26, 2009. Based on that response, the agency issued a warning that the claimant could be disqualified in a future week if she failed to make two in-person job contacts.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code section 96.4-3.

The rules state: "While attending the approved training course, the claimant need not be available for work or actively seeking work." 871 IAC 24.39(2). Technically the claimant was not attending school while on semester break, but practically it makes no sense for her to look for a job after she was informed her training was approved for the second semester. She could have perhaps looked for a temporary job until school started, but in my judgment, this would create unnecessary complications in terms of accepting work that was unsuitable or being subject to a disqualification if the temporary employer still had work for her when she went back to school. The situation, however, would be different over summer break where the claimant was not in school.

The claimant should not have received the warning for failing to make two job contacts for the week ending December 26, 2009.

DECISION:

The unemployment insurance decision dated December 29, 2009, reference 03, is reversed. The agency shall remove the warning from its records since issuance of the warning was unwarranted.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs