

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SAMUEL C VAZQUEZ
Claimant

APPEAL NO: 10A-UI-02127-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/24/10

Claimant: Appellant (2)

Section 96.4-3 - Active Search for Work

STATEMENT OF THE CASE:

Samuel C. Vasquez (claimant) appealed a representative's February 2, 2010 decision (reference 02) that warned him that he had failed to make the minimum job contacts during the week ending January 30, 2010. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on April 15, 2010. Prior to the hearing being held, the administrative law judge determined that no hearing was necessary and a decision was made on the record.

ISSUE:

Is the work search warning issued to the claimant appropriate in this case?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective the week beginning January 24, 2010. He filed a weekly continued claim for that week which ended on January 30, 2010. He reported that he had made no job contacts that week. This resulted in the issuance of the warning letter. However, in that weekly claim he also reported the receipt of \$128.00 in wages, as he had been employed for a portion of the week.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.4-3 and 871 IAC 24.22(3) provide that a claimant must make a personal and diligent effort to find a job and that a claimant shall be ineligible for benefits for any period for which the Agency finds the individual failed to make an earnest and active search for work. However, the claimant was partially unemployed for the week ending January 30, 2010 and therefore was exempt from making personal applications for work that week. 871 IAC 24.22(3)f(4). Therefore, the warning issued to him in the February 2, 2010 representative's decision is not warranted. Benefits would be allowed, if the claimant is otherwise eligible. However, Agency records further indicate that due to another representative's decision issued February 15, 2010 (reference 01), the claimant had a disqualifying separation from employment effective January 27, 2010. That decision has not

been appealed. Therefore as of January 27, 2010 he is not "otherwise eligible" until he has requalified.

DECISION:

The unemployment insurance decision dated February 2, 2010 (reference 02) is reversed. The claimant was not required to make an active search for work during the week ending January 30, 2010. Therefore, the warning issued to him was not warranted and shall be removed from his benefit history.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css