

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN P ERICKSON
Claimant

APPEAL NO: 13A-UI-12822-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/24/13
Claimant: Appellant (2)

Section 96.4-3 - Active Work Search

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 5, 2013, reference 02, that warned that the claimant had failed to make two in-person job contacts for the week ending November 2, 2013. A telephone hearing was held on December 10, 2013. The claimant participated in the hearing.

ISSUES:

Did the claimant file a timely appeal?
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 March 22, 2013. At the time the claimant filed for benefits, the claimant was informed and understood that he was required to actively seek work by contacting two employers each week seeking employment.

The claimant made two in-person job contacts during the week ending November 2, 2013. After the week ended, the claimant filed a weekly claim for benefits using the voice response system. The claimant mistakenly reported that he had not made two job contacts. Based on that response, the agency issued a warning that the claimant could be disqualified in a future week if he failed to make two job contacts.

The claimant mailed his appeal from the decision dated November 5, 2013, on November 14, 2013, but for some reason, no postmark was placed on the envelope.

REASONING AND CONCLUSIONS OF LAW:

The first issue in this case is whether the claimant filed a timely appeal.

The law states that an unemployment insurance decision is final unless a party appeals the decision within ten days after the decision was mailed to the party's last known address. Iowa Code § 96.6-2. The evidence establishes the claimant mailed in his appeal letter timely.

The unemployment insurance law requires claimants to earnestly and actively seek work each week to receive benefits, unless they have been exempted from this requirement by the agency. Iowa Code § 96.4-3. The rules state that a claimant who fails to make an adequate work search after having been previously warned and instructed to expand the search for work effort is ineligible to receive benefits. 871 IAC 24.23(28).

The claimant made an active search for work in accordance with the law and the instructions given to him for the week ending November 2, 2013. The warning was therefore unwarranted.

DECISION:

The unemployment insurance decision dated November 5, 2013, reference 02, 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