

**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**

**JON H ANDERSON
4610 94TH ST
URBANDALE IA 50322**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-03147-JTT
OC: 03/13/05 R: 02
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
871 IAC 24.2(1)(c) – Group Code Assignment

STATEMENT OF THE CASE:

Jon Anderson filed a timely appeal from the March 22, 2005, reference 01, decision that held he was required to make a minimum of two in-person job contacts each week he claimed unemployment insurance benefits. After due notice was issued, a hearing was held on April 12, 2005. Mr. Anderson participated in the hearing. The administrative law judge took official notice of the Agency administrative records regarding Mr. Anderson's claim for benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Jon Anderson was employed as Treasurer of Principal Residential Mortgage, Inc., which was sold to Citi Mortgage. The new employer terminated Mr. Anderson's employment on March 1, 2005.

Mr. Anderson established a claim for benefits via the Internet that was effective March 13, 2005. At the time Mr. Anderson was in the process of establishing his claim, he made contact with Iowa Workforce Development and advised that due to the nature of his profession and search for new work within that profession, it was not likely he would have two in-person contacts per week. Mr. Anderson was advised not to worry, that this information would be appropriately addressed by the Agency in the course of processing his claim for benefits. However, the fact that Mr. Anderson's search for employment within his profession would be based on the submission of résumés, follow-up phone calls, and/or networking was not addressed by the Agency in the processing of his claim.

Mr. Anderson first utilized the automated telephone reporting system during the benefit week that ended March 19, 2005. Mr. Anderson's truthful response that he did not have two in-person contacts during the benefit week resulted in the issuance of the Agency decision dated March 13, 2005, reference 01, and the warning contained therein that he was required to make two in-person contacts per week and document the same.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Mr. Anderson is subject to the requirement that he make two in-person contacts per week and document the same in order to continue his claim for benefits. For the reasons set forth below, the administrative law judge concludes that Mr. Anderson is not subject to this requirement.

Iowa Code Section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

All claimants, on an initial claim, shall state that they are registered for work and shall list their principal occupation. The claims taker will then assign a group code to the claimant to control the type of registration that is made. Code assignments will be based on all facts obtained at the time of the claim filing. 871 IAC 24.2(1)(c) Group 6 claimants are those individuals whose occupations are of a nature that utilize résumés or who are normally unable, due to factors such as occupation, distance, etc., to make in-person contacts for employment. 871 IAC 24.2(1)(c)(6). Group 2 claimants are those individuals who do not otherwise meet the qualification for group 1, 3, 4, 5 or 6. 871 IAC 24.2(1)(c)(2).

The evidence in the record establishes that Mr. Anderson was erroneously coded as a Group 2 claimant, when, in fact, he should have been coded as a Group 6 claimant. At the time he established his initial claim for benefits, Mr. Anderson specifically requested guidance from an Iowa Workforce Development representative so that he could be properly coded as a claimant whose occupation was of a nature that utilizes résumés rather than in-person contacts. Mr. Anderson did not receive the guidance that he requested, and as a result, was improperly coded. Based on the evidence in the record and application of the appropriate law, the administrative law judge concludes that Mr. Anderson is not subject to the requirement that he make two in-person contacts per week.

DECISION:

The Agency representative's decision, dated March 22, 2005, reference 01, is reversed. The claimant is not subject to making two in-person job contacts each week. The claimant should be recoded as a Group 6 claimant and the effective date of the recoding should be March 13, 2005, the date the claim was established.

JT/s