

**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**

**JANINE E WILTON  
3105 S OLEANDER ST  
SIOUX CITY IA 51106**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**Appeal Number: 05A-UI-00857-JTT  
OC: 08/15/04 R: 01  
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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 95.4(3) –Work Search

STATEMENT OF THE CASE:

Janine Wilton filed a timely appeal from the January 14, 2005, reference 02, decision that denied benefits for the benefit week ending January 1, 2005. After due notice was issued, a hearing was held on February 9, 2005. Ms. Wilton participated in the hearing.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Janine Wilton established a claim for benefits that was effective August 15, 2004, has continued her claim for benefits since that time, and has received weekly benefits except for the week that ended January 1, 2005. The week in question fell between the Christmas and New Year holidays. During that week, Ms. Wilton engaged in her normal job search activities. Ms. Wilton's previous employment has been in the secretarial field. During the week in

question, Ms. Wilton traveled to her local Workforce Development Center in search of new job postings in her area, but the postings were for positions for which she had already applied and there were no new postings in her area. Ms. Wilton also logged onto the Internet and searched several sites for openings in her area. During the week in question, Ms. Wilton was unable to make direct contact with a hiring employer. This was due to the holiday season and not due to any lack of effort on the part of Ms. Wilton.

#### REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that the claimant was actively and earnestly searching for work during the benefit week that ended January 1, 2005. It does.

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".

Ms. Wilton's inability to make two in-person contacts during the week in question was due to the holiday season, not do to any lack of effort on her part. Based on the evidence in the record, as set forth in the Findings of Fact, and application of the appropriate law, the administrative law judge concludes that Ms. Wilton was actively and earnestly searching for work during the benefit week that ended January 1, 2005, and is therefore eligible for benefits for that week.

#### DECISION:

The Agency representative's dated January 14, 2005, reference 02, is reversed. The claimant was actively and earnestly searching for work during the benefit week that ended January 1, 2005. The claimant is eligible for benefits for the benefit week that ended January 1, 2005.

jt/sc