

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREW M CLEAVER
Claimant

APPEAL NO. 06A-UI-12109-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/03/06 R: 02
Claimant: Appellant (2)

Section 96.4-3 – Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated December 14, 2006, reference 01, which issued a warning to the claimant based upon a finding that the claimant had not performed an active work search for the week ending December 9, 2006. After reviewing the claimant's appeal letter and Agency benefit payment records, the administrative law judge concludes that no additional testimony is necessary.

ISSUE:

Should the warning be removed from the claimant's record?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Andrew M. Cleaver filed his first ever claim for unemployment insurance benefits during the week of December 3, 2006. When he filed the claim he was unaware of the requirement of what constitutes an active work search. For the week ending December 9, 2006, he indicated that he had had no in-person job contacts because he had had no formal interviews.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record. It should.

The Agency's normal interpretation of the active work search requirement is that an individual make face-to-face contact each week that he or she claims unemployment insurance benefits. The contact need not be a formal interview, but it requires something more than telephone or electronic contact. Work search by way of resume is appropriate if, and only if, specifically approved by the Agency. Concluding that the claimant acted in good faith and out of unfamiliarity with the requirements of the law, the administrative law judge concludes that the warning should be removed. If the claimant has further questions about the work search requirement, he is encouraged to contact the Workforce Development Center at 430 East Grand Avenue, Des Moines, Iowa.

DECISION:

The unemployment insurance decision dated December 14, 2006, reference 01, is reversed.
The warning is removed from the claimant's record.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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