

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

SUSAN A VAN BOCHOVE
1015 AVE M
HAWARDEN IA 51023

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-11526-DWT
OC: 09/26/04 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 are 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 – Active Search for Work

STATEMENT OF THE CASE:

Susan A. Van Bochove (claimant) appealed a representative's October 19, 2004 decision (reference 01) that gave her a warning for failing to make two in-person job contacts for the week ending October 16, 2004. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on November 17, 2004. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant receive a warning for not making two in-person job contacts for the week ending October 16, 2004?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of September 12, 2004. The claimant understood that each week she was unemployed and filed a claim, she was required to make a minimum of two in-person job contacts.

The claimant was told on Monday, October 10, she would start a full-time job on Thursday, October 14. The claimant worked on October 14 and 15 and filed for partial benefits this week. The claimant did not make two in-person job contacts this week because she started a full-time job on October 14, 2004.

REASONING AND CONCLUSIONS OF LAW:

Before a claimant is considered eligible to receive weekly unemployment insurance benefits, she must make an active search for work. Iowa Code §96.4-3. The administrative rule states an individual shall be ineligible for benefits for any period for which the department finds the individual failed to make an earnest and active search for work. An individual must make a sincere effort to find a job. 871 IAC 24.22(3).

The evidence indicates the claimant did not actively look for work the week ending October 16, 2004, because on Monday, October 10, she accepted a full-time job that started on Thursday, October 14, 2004. Under these facts, the claimant was not required to make two in-person job contacts. Therefore, the warning issued to her in the representative's October 19, 2004 decision is not warranted.

DECISION:

The representative's October 19, 2004 decision (reference 01 is reversed. The claimant is not required to make an active search for work the week ending October 16, 2004, because she knew on October 10 she would start a full-time job on October 14 and only filed for partial benefits this week. The warning issued to her was not warranted and shall be removed from her benefit history.

dlw/b