

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

DARLENE A HERTING
19877 DURANGO RD
SHERRILL IA 52073

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-04607-CT
OC: 11/28/04 R: 04
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 Requirements

STATEMENT OF THE CASE:

Darlene Herting filed an appeal from a representative's decision dated April 27, 2005, reference 06, which warned that she was to make at least two in-person job contacts each week. After due notice was issued, a hearing was held by telephone on May 26, 2005. Ms. Herting participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Herting filed a claim for job insurance benefits effective November 28, 2004 and was told that she needed to make at least two in-person job contacts

each week. She made the required work search until the week ending April 23, 2004. At that point, she had accepted employment and questioned her local office as to whether she still needed to make job contacts. She was told that she did not have to. She also contacted the call center in Des Moines for advice. Ms. Herting was again told that she did not have to conduct a work search. Therefore, she did not make job contacts for the week ending April 23, 2005. She has not claimed benefits since that week as she does not intend to look for work in addition to her current job.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the warning issued to Ms. Herting should be rescinded. In order to receive job insurance benefits, an individual must actively and earnestly look for work. Iowa Code section 96.4(3). Ms. Herting did not make two job contacts for the week ending April 23, 2005 because of advice she received from her local office and from the Workforce Development call center. Her testimony as to what she was told was credible.

Inasmuch as Ms. Herting's failure to make the required job contacts for the week ending April 23, 2005 was due to information from Workforce Development, the warning shall be removed. The administrative law judge appreciates that her question may have been misunderstood or she may have misunderstood the instructions given. Any doubt shall be resolved in her favor.

DECISION:

The representative's decision dated April 27, 2005, reference 06, is hereby reversed. The work search warning issued to Ms. Herting shall be removed.

cfc/pjs