

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM L PENTON
Claimant

APPEAL NO. 09A-UI-17612-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/08/09
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 November 17, 2009, reference 01, which imposed a warning upon a finding that the claimant had failed to make an active work search for the week ending November 14, 2009. After a review of the information in 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: The claimant filed a claim for benefits effective November 8, 2009. The claim was filed late in the week, giving the claimant insufficient time to conduct a full work search.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.4-3 requires that claimants make an active work search each week that they request benefits. The agency ordinarily interprets this to require a minimum of two contacts per week. The record in this case, however, establishes that the claim was filed late in the workweek. The claimant did not have a reasonable opportunity to conduct a full work search. The warning shall be removed.

DECISION:

The unemployment insurance decision dated November 17, 2009, 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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