

**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**

**WYATT K YON
2931 – 36TH ST
DES MOINES IA 50310-4055**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-04617-DT
OC: 04/17/05 R: 02
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 - Active Search for Work

STATEMENT OF THE CASE:

Wyatt K. Yon (claimant) appealed a representative's April 26, 2005 decision (reference 02) that warned him that he had failed to make the minimum job contacts during the week ending April 23, 2005. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on May 20, 2005. Prior to the hearing being held, the administrative law judge determined that no hearing was necessary and a decision was made on the record. Based on a review of the information in the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective April 17, 2005 (the week ending April 23, 2005). During that first week of his claim, he did make two job applications by résumé. The warning was issued due to those job contacts being made by résumé rather than in-person. However, the claimant's group code was subsequently changed to "Group '6'", for whom in-person job contacts are waived because those individuals' occupations are of a nature that utilize résumés and are normally unable, due to factors such as occupation, distance, etc., to make in-person contacts for employment.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant made an active search for work for the week ending April 23, 2005, and whether a warning issued to him is warranted. 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 personal and diligent effort to find a job. 871 IAC 24.22(3). The evidence establishes the claimant made multiple job contacts during the week ending April 23, 2005. Therefore, the warning issued to him in the representative's decision is not warranted.

DECISION:

The unemployment insurance decision dated April 26, 2005 (reference 02) is reversed. The claimant made an active search for work during the week ending April 23, 2005. Therefore, the warning issued to him was not warranted and shall be removed from his benefit history.

ld/sc