

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

GENE P HELT
3178 DUBUQUE ST NE
IOWA CITY IA 52240

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-12906-AT
OC: 02-01-04 R: 03
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 Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated November 30, 2004, reference 02, 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 November 27, 2004. After reviewing the claimant's appeal letter and Agency benefit payment records, the administrative law judge concludes that no additional testimony is necessary.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: On November 27, 2004 Gene P. Helt received a notice from Iowa Workforce Development advising him that his

status had been changed from temporary seasonal layoff to permanently separated. He was advised that he must begin making a work search. On December 2, 2004 he received a decision issuing a warning for having failed to make two job contacts during the week ending November 27, 2004.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record. It should. The evidence in this record establishes that Mr. Helt first learned of the work search requirement on Thanksgiving Saturday, November 27, 2004. The administrative law judge concludes that Mr. Helt did not have a meaningful opportunity to conduct a work search for that week. The warning should be removed.

DECISION:

The unemployment insurance decision dated October 30, 2004, reference 02, is reversed. The warning is removed from the claimant's record.

b/b