

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ISABEL M MARTINEZ
Claimant

APPEAL NO. 06A-UI-11087-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/05/06 R: 02
Claimant: Appellant (1)**

Iowa Code section 96.4(3) – Active and Earnest Work Search Requirement

STATEMENT OF THE CASE:

Isabel Martinez filed a timely appeal from the November 14, 2006, reference 01, decision that warned her she was required to make a minimum of two job contacts each week she claimed unemployment insurance benefits. After due notice was issued, a hearing was held on December 4, 2006. Ms. Martinez participated. Spanish-English interpreter Susan Jaquez assisted. The administrative law judge took official notice of the Agency's administrative file.

ISSUE:

Whether the claimant demonstrated an active and earnest search for work during the benefit week that ended November 11, 2006. She did not.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Isabel Martinez separated from her most recent employment on November 7, 2006. Ms. Martinez established a claim for unemployment insurance benefits that was deemed effective November 5, 2006. Ms. Martinez has claimed benefits each week since establishing her claim. During the benefit week that ended November 11, Ms. Martinez made contact with one potential employer, a temporary employment agency. During subsequent weeks, Ms. Martinez made contact with additional temporary employment agencies and at least one other employer.

Ms. Martinez is a non-English speaking person, whose native language is Spanish. Ms. Martinez has a sixth-grade education. In Ms. Martinez's most recent employment, she performed housekeeping and laundry duties. Ms. Martinez is seeking similar employment. Aside from contacting temporary employment agencies, Ms. Martinez had applied for work at a Holiday Inn. The type of work that Ms. Martinez has performed and seeks to perform is not the sort for which a person would utilize a resume in applying for work, but is instead the type of work where a person would ordinarily go to the prospective employer's workplace and complete an application for employment.

REASONING AND CONCLUSIONS OF LAW:

A person who is otherwise eligible for unemployment insurance benefits, must also demonstrate that she is actively and earnestly seeking employment. See Iowa Code section 96.4(3) and 871 IAC 24.22(3). It is essential that the individual personally and diligently search for work. 871 IAC 24.22(3). A person shall be ineligible for benefits for any period for which Iowa Workforce Development finds the person failed to make an earnest and active search for work. 871 IAC 24.22(3)(a).

In this case, Iowa Workforce Development reasonably expected Ms. Martinez to make two new job contacts during each week she claimed benefits. The evidence in the record establishes that Ms. Martinez failed to make the necessary number of job contacts during the week that ended November 11, 2006. The evidence further indicates that Ms. Martinez failed to make the appropriate minimum number of job contacts during the subsequent two weeks of her claim.

The evidence indicates that Ms. Martinez has been erroneously classified as a group "6" claimant, one whose occupation is of a nature that utilizes resumes or one who is normally unable, due to factors such as occupation, distance, etcetera, to make in-person contacts for employment. See 871 IAC 24.2(c)(6). Ms. Martinez should be classified as a group "2" claimant, one who is required to make in-person job contacts. See 871 IAC 24.2(c)(2).

DECISION:

The Agency representative's November 14, 2006, reference 01, decision is affirmed. The claimant is required to make a minimum of two job contacts each week she claims unemployment insurance benefits. The claimant failed to make the required number of contacts during at least the first three weeks she claimed benefits. The claimant has been erroneously classified as a group "6" claimant and is hereby reclassified as a group "2" claimant. The claimant is required to make two in-person job contacts during each week she claims unemployment insurance benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs