

**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**

**TERESA A MICULINICH  
209 – 5<sup>TH</sup> AVE SW  
OELWEIN IA 50662**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**Appeal Number: 04A-UI-00791-CT  
OC: 01/11/04 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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Work Search Requirements

STATEMENT OF THE CASE:

Teresa Miculinich filed an appeal from a representative's decision dated January 21, 2004, reference 01, which warned that she had to make at least two in-person job contacts each week. After due notice was issued, a hearing was held by telephone on February 19, 2004. Ms. Miculinich 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. Miculinich filed a claim for job insurance benefits effective January 11, 2004 and was advised that she needed to make at least two in-person job contacts each week in order to receive benefits. During the week ending January 17, she contacted Fareway and Pamida for work. When she called in her claim, she inadvertently pushed the wrong button and indicated only one job contact for the week.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the work search warning issued to Ms. Miculinich should be rescinded. The law requires that an individual actively and earnestly look for work as a condition of receiving job insurance benefits. Iowa Code Section 96.4(3). Ms. Miculinich did, in fact, make the required work search during the week ending January 17, 2004. She mistakenly reported only one contact. Because she did make two in-person contacts for the week at issue, the warning shall be removed.

DECISION:

The representative's decision dated January 21, 2004, reference 01, is hereby reversed. The work search warning issued to Ms. Miculinich is rescinded as she did make the required job contacts for the week ending January 17, 2004.

cfc/kjf