

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DENISE J CUNDELL-DAY**  
Claimant

**APPEAL NO. 09A-UI-00400-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/06/08 R: 04  
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 January 2, 2009, 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 December 27, 2008. After reviewing the claimant's appeal letter and Agency benefit payment records, the administrative law judge concludes that no additional testimony is necessary.

**ISSUE:**

Should the claimant receive a warning for failing to make at least two in-person job contacts during the week in question?

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: The claimant did not conduct a work search during the week ending December 27, 2008, the first week of her additional claim, because she anticipated a swift recall to work following her employer's aftercare in a nursing home. Ms. Cundell-Day will resume her employment immediately upon her employer's release. Ms. Cundell-Day is a direct care giver in the employer's home. The employer is unable to live independently.

**REASONING AND CONCLUSIONS OF LAW:**

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

The claimant reasonably believed that her employer would return home from the nursing home during the week ending December 27, 2008. She has continued to make a work search thereafter and anticipates recall to her former employment upon her employer's release from the hospital.

**DECISION:**

The unemployment insurance decision dated January 2, 2009, reference 02, is reversed. The warning is removed from the claimant's record.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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