

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

NORA E FERGUSON
2134 MT VERNON RD
CEDAR RAPIDS IA 52403

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-00085-CT
OC: 11/09/03 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) – Work Search Requirements

STATEMENT OF THE CASE:

Nora Ferguson filed an appeal from a representative's decision dated December 23, 2003, reference 02, which warned that she had to make two in-person job contacts each week. After due notice was issued, a hearing was held by telephone on January 29, 2004. Ms. Ferguson 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. Ferguson filed a claim for job insurance benefits effective November 9, 2003. Because she was to receive severance pay, she did not claim

benefits until the week ending December 20. She had been given permission by Workforce Development to conduct her work search by sending résumés. She was told the résumés would count as in-person contacts. When she called in her claim for the week ending December 20, she indicated that she had not made any in-person job contacts. She thought the recording would then ask questions as to how many résumés she had sent out but, it did not. Ms. Ferguson sent résumés to Management Recruiters and Cedar Rapids Bank and Trust during the week ending December 20, 2003.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the warning issued to Ms. Ferguson should stand. She did, in fact, make the required work search for the week at issue. Her response when she called in her claim was based on a misunderstanding. A work search warning is appropriate where an individual has not made the appropriate effort to find work. Because Ms. Ferguson did seek work by making two job contacts during the week ending December 20, the warning shall be removed.

DECISION:

The representative's decision dated December 23, 2003, reference 02, is hereby reversed. The work search warning issued to Ms. Ferguson shall be removed.

cfc/b