

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

APRIL A PRENTINCE  
220 – 6<sup>TH</sup> AVE SW  
OELWEIN IA 50662

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-03775-DT  
OC: 11/27/05 R: 04  
Claimant: Appellant (2/R)

**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 - Active Search for Work  
871 IAC 26.14(7) – Late Call

STATEMENT OF THE CASE:

April A. Prentince (claimant) appealed a representative's March 28, 2006 decision (reference 01) that warned her that she had failed to make the minimum job contacts during the week ending March 25, 2006. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held at 12:00 p.m. on April 24, 2006. The claimant received the hearing notice and responded by calling the Appeals Section on April 24, 2006. She indicated that she would be available at the scheduled time for the hearing at a specified telephone number. However, when the administrative law judge called that number at the scheduled time for the hearing, the claimant was not available. Therefore, the claimant did not participate in the hearing. The administrative law judge considered the record closed at 12:10 p.m. At 12:28 p.m., the claimant called the Appeals Section and requested that the

record be reopened. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

#### FINDINGS OF FACT:

The claimant received the hearing notice prior to the April 24, 2006 hearing. The instructions informed the claimant that she was to be available at the scheduled day and time for the hearing, and if she was not available, the administrative law judge may proceed and make a decision on other available information. The claimant did not recontact the Appeals Section to seek to participate in the hearing until 28 minutes after the scheduled start time for the hearing. The claimant reported that she had not been able to get to the phone at the time for the hearing.

The claimant established a claim for unemployment insurance benefits effective November 27, 2005. During the week ending March 25, 2006, she made fewer than two job contacts. The claimant asserted that she was a full time student and had been advised that she would not be required to have any job contacts. The claimant is classified as a "Group 2" claimant; it does not appear that she has been qualified for any Department Approved Training (DAT).

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant made an active search for work for the week ending March 25, 2006, and whether a warning issued to her is warranted. Iowa Code § 96.4-3. The administrative rule states an individual shall be ineligible for benefits for any period for which the Agency finds the individual failed to make an earnest and active search for work. An individual must make a personal and diligent effort to find a job. 871 IAC 24.22(3). The only educational exception is for a student who has received official Department Approved Training status. Iowa Code § 96.4-6-b; 871 IAC 24.39. The claimant did not make at least two job contacts the week ending March 25, 2006. Therefore, the warning issued to her in the representative's decision is warranted.

An issue as to whether the claimant is able and available for work arose in the context of the claimant's appeal. There has not been a initial fact-finding review of this issues, and the case will be remanded for an investigation and preliminary determination on that issue. 871 IAC 26.14(5).

#### DECISION:

The unemployment insurance decision dated March 28, 2006 (reference 01) is reversed. The claimant made an active search for work during the week ending March 25, 2006. Therefore, the warning issued to her was not warranted. The matter is remanded to the Claims Section for investigation and determination of the able and available issue.

ld/kkf