

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY A LUNSFORD
Claimant

APPEAL NO: 13A-UI-00130-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/18/12
Claimant: Appellant (2)**

Section 96.4-3 - Active Work Search

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 26, 2012, reference 02, that warned that the claimant had failed to make two in-person job contacts for the week ending December 22, 2012. A telephone hearing was held on February 4, 2012. The claimant participated in the hearing.

ISSUE:

Did the claimant actively search for work?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 18, 2102. The claimant had received department approved training and was informed he did not have to make job contacts while he was attending school.

As a result, of the advice he was given, the claimant did not look for work during the week ending December 22, 2012. After the week ended, the claimant filed a weekly claim for benefits using the voice response system. The claimant reported that he had not made two in-person job contacts. Based on that response, the agency issued a warning that the claimant could be disqualified in a future week if he failed to make two in-person job contacts.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law requires claimants to earnestly and actively seek work each week to receive benefits, unless they have been exempted from this requirement by the agency. Iowa Code § 96.4-3. The rules state that a claimant who fails to make an adequate work search after having been previously warned and instructed to expand the search for work effort is ineligible to receive benefits. 871 IAC 24.23(28).

The claimant was instructed that he was not required to look for work while he was going to school. He had department-approved training. The warning was therefore unwarranted.

DECISION:

The unemployment insurance decision dated December 26, 2012, reference 02, is reversed. The agency shall remove the warning from its records since issuance of the warning was unwarranted.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

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