

**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**

**MICHELE M MATLAGE
1166 KANSAS ST
MURRAY IA 50174**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-05525-BT
OC: 05/02/04 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 – Active Search for Work

STATEMENT OF THE CASE:

Michele Matlage (claimant) appealed an unemployment insurance decision dated May 11, 2004, reference 02, which issued her a warning for her failure to make two, in-person contacts for the week ending May 8, 2004. Due notice was issued scheduling the matter for a telephone hearing to be held June 10, 2004. Because a decision fully favorable to the party could be made based on the claimant's statement and the record as it stood, a hearing was deemed unnecessary.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered the evidence in the record, finds that: The appeal was based upon the claimant's failure to make two, in-person work searches for the week ending May 8, 2004. The claimant filed a claim for the week ending May 8, 2004 but reported that she did not make two, in-person work searches. She did contact two employers that week and applied for work in accordance with the employers' procedures.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is actively and earnestly seeking work. Before a claimant is considered eligible to receive weekly unemployment insurance benefits, she must make an active search for work. Iowa Code Section 96.4-3. The administrative rule states an individual shall be ineligible for benefits for any period for which the department finds the individual failed to make an earnest and active search for work. An individual must make a sincere effort to find a job. 871 IAC 24.22(3).

The evidence indicates the claimant actively looked for work during the week ending May 8, 2004. Therefore, the warning issued to the claimant was not warranted.

DECISION:

The unemployment insurance decision dated May 11, 2004, reference 02, is reversed. The claimant made two job contacts for the week ending May 8, 2004, and the warning shall be rescinded.

sdb/kjf