

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLES L BETTS
Claimant

APPEAL NO. 09A-UI-10992-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 07/05/09
Claimant: Appellant (2)**

Section 96.4-3 – Active Work Search

STATEMENT OF THE CASE:

Charles L. Betts (claimant) appealed a representative's July 21, 2009 decision (reference 01) that warned him he had to make two job contacts each week he filed a claim for benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 18, 2009. The claimant participated in the hearing. 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.

ISSUE:

Should the claimant receive a warning for not making two job contacts during the week of July 5, 2009?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of July 5, 2009. When the claimant left his local Workforce office after establishing his claim for benefits, he did not understand when he should start calling in his claims. He did not receive an instructional pamphlet until the following week.

When the claimant filed a claim for the week ending July 11, he had no understanding he needed to make two job contacts. The claimant did not make any job contacts for the week ending July 11. After the claimant received the instructional pamphlet during the week of July 12, he has made a minimum of two contacts each week he files a claim for benefits.

REASONING AND CONCLUSIONS OF LAW:

Before a claimant is considered eligible to receive weekly unemployment insurance benefits, he must make an active search for work. Iowa Code § 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).

Before a claimant can be denied benefits or receive a warning, he must receive an informational pamphlet or a representative must tell him the rule about making two job contacts each week he files a claim for benefits. Since the claimant did not receive any information about making two job contacts until the week of July 12, the warning issued to him for the week ending July 11 is not warranted.

DECISION:

The representative's July 21, 2009 decision (reference 01) is reversed. The claimant did not receive and was not told about the work search requirements until the week of July 12, 2009. Therefore, the warning issued to him for the week ending July 11 was not warranted and shall be removed from his benefit record.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw