

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

MELISSA B KENNEDY
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IOWA WORKFORCE DEVELOPMENT
DEPARTMENT

Appeal Number: 04A-UI-04419-AT
OC: 12-21-03 R: 03
Claimant: Appellant (1)

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 Warning

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated April 13, 2004 reference 03 which issued a warning to her upon a finding that she had made fewer than two in-person job contacts during the week ending April 10, 2004. Due notice was issued for a telephone hearing to be held May 5, 2004. Ms. Kennedy did not provide a telephone number at which she could be contacted. This decision is based on information in the administrative file and agency benefit payment records.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Melissa B. Kennedy filed a claim for unemployment insurance benefits effective December 21, 2003. She has received unemployment insurance benefits since she filed. During the week ending April 10, 2004, she made no in-person job contacts. Instead, she contacted three perspective employers by telephone.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record. It should not. Iowa Code Section 96.4-3 requires that individuals receiving unemployment insurance benefits conduct an active work search. This is ordinarily interpreted by the agency as requiring a minimum of two in-person job contacts per week. Since Ms. Kennedy had received benefits prior to the week ending April 10, 2004, the administrative law judge concludes that she was aware of the in-person contact requirement. In any event, it is explained in some detail in an agency pamphlet provided to all claimants at the time that they file their original claims for benefits. Absent evidence that the claimant did not receive that pamphlet, the administrative law judge concludes that the warning should remain in place.

DECISION:

The unemployment insurance decision dated April 13, 2004, reference 03, is affirmed. The warning shall remain in the claimant's record.

sb/kjf