

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

LINDA J LEE  
PO BOX 207  
ALLERTON IA 50008-0207

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-00413-AT  
OC: 01-04-04 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, 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 – Work Search Warning

STATEMENT OF THE CASE:

Linda J. Lee filed a timely appeal from an unemployment insurance decision dated January 13, 2004, reference 02, which issued a warning to her upon a finding that she had made no job contacts during the week ending January 10, 2004. Due notice was issued for a telephone hearing to be held February 3, 2004. Although Ms. Lee provided a telephone number at which she could be contacted, the number was answered by a recording when called at the time of the hearing. The administrative law judge left instructions with the claimant to call within 15 minutes if she wished to take part in the hearing. There was no further contact from the claimant. This decision is based on information in her appeal letter. The administrative law judge takes official notice of Agency benefit payment records and decision records.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Linda J. Lee did not conduct a work search during the week ending January 10, 2004. Department Approved Training Status was allowed effective January 25, 2004.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record. The administrative law judge concludes that it should not. Iowa Code Section 96.4-3 requires that an individual conduct an active work search during each week that the individual requests unemployment insurance benefits. There are certain exceptions, such as a claimant being in Department Approved Training status. Since Ms. Lee was not in that status during the week ending January 10, 2004, she was required to make a work search. She did not do so, and so the warning shall remain in her record.

DECISION:

The unemployment insurance decision dated January 13, 2004, reference 02, is affirmed. The warning shall remain in the claimant's record.

tjc/b