

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONALD L PATTISON
Claimant

APPEAL NO: 10A-UI-00112-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/13/09
Claimant: Appellant (2)**

Section 96.4-3 – Active Search for Work

STATEMENT OF THE CASE:

The claimant appealed a representative's December 29, 2009 decision (reference 01) that issued him a warning for failing to make two job contacts for the week ending December 26, 2009. A telephone hearing was scheduled on February 13, 2010. Prior to the hearing, the claimant contacted the Appeals Section and requested that a decision based on the information in the administrative record be made in lieu of the hearing. Based on administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant make an active search for work for the week ending December 26, 2009?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of December 13, 2009. He understood that as a member of a trade union with a hiring hall, he was only required to contact his union for work. During the week ending December 26, the claimant filed a claim for benefits and reported he had made one job contact.

On December 29, the Department changed the claimant's work search requirements on his claim to reflect he is a union member and only needed to contact his union hall about possible work.

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, unless the work search requirements are waived. 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, a union member, only needs to contact his union for possible work. The Department recognized the claimant as a union member on December 29, 2009. As a result of the claimant's union membership, the warning issued to him in the representative's December 29, 2009 decision was not warranted.

DECISION:

The representative's December 29, 2009 decision (reference 01) is reversed. As a union member, the claimant is only required to contact his union for possible work. The warning issued to him was not warranted.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs