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

Appeal Number: 05A-UI-00624-DWT
OC: 07/11/04   R: 02
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***.

DOUGLAS L SAMPLE
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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.

IOWA WORKFORCE
   DEVELOPMENT DEPARTMENT

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:

Douglas L. Sample (claimant) appealed a representative's January 11, 2005 decision (reference 03) that gave him a warning for failing to make an active search for work during the week ending January 8, 2005. After hearing notices were mailed to the claimant's last-known address of record, a telephone hearing was held on February 2, 2005. 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 failing to make an active search for work during the week ending January 8, 2005?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of July 11, 2004. The claimant understands that each week he files a claim for unemployment insurance benefits, he must make an active search for work. The claimant has been approved to make job contacts by faxing job applications or by making in-person job contacts.

The claimant faxed employment applications for jobs to employers on January 6 and 7, 2005. On January 7, the claimant faxed applications to two employers.

The claimant filed a claim for the week ending January 8, 2005 by calling in on January 9. When the claimant called in his claim on January 9, there was a computer problem and the Department's computer system hung up on the claimant during the middle of his call. The claimant called back and received a message that his claim had been accepted.

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).

The evidence indicates the claimant actively looked for work during the week ending January 8, 2005. Therefore, the warning issued to him in the representative's January 11, 2005 decision is not warranted.

DECISION:

The representative's January 11, 2005 decision (reference 03) is reversed. The claimant made an active search for work during the week ending January 8, 2005. Therefore, the warning issued to him is not warranted and shall be removed.

dlw/pjs