

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LUANN M PINS

Claimant

APPEAL NO. 11A-UI-03430-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/02/11

Claimant: Appellant (2)

Section 96.4-3 – Job Search
Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's dated March 15, 2011, reference 01, which gave the claimant a warning for failing to make two job contacts for the week ending March 5, 2011. After due notice, a telephone conference hearing was scheduled for and held on April 9, 2011. Claimant participated. The record consists of the testimony of Luann Pins. Official notice is taken of agency records.

ISSUE:

Whether the claimant should receive a warning for failing to make two job contacts.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant established an original claim for benefits with an original claim date of January 2, 2011. The claimant made her weekly report via telephone. For the week ending March 5, 2011, the claimant reported zero job contacts. The reason she reported zero job contacts was that she was not able and available for work. She thought that by reporting zero contacts she would indicate her inability and unavailability for work and would therefore not receive benefits for that week. The claimant was paid benefits for the week ending March 5, 2011, and has subsequently made arrangements to repay those benefits.

REASONING AND CONCLUSIONS OF LAW:

The only issue in this case is whether the claimant should receive a warning for failing to make any job contacts during the week of March 5, 2011. The claimant did not make the contacts because she was not able and available for work. The claimant should not be given a warning for failing to make two job contacts, as she was not able and available for work and did not intend to collect benefits. The warning is removed from her record.

DECISION:

The decision of the representative dated March 15, 2011, reference 01, is reversed. The warning is removed from the claimant's record.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/kjw