

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIMBERLY S HIGBY
Claimant

APPEAL NO. 10A-EUCU-00228-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 07/26/09
Claimant: Appellant (2)**

Section 96.4-3 – Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated December 29, 2009, reference 04, which imposed a warning upon a finding that the claimant had failed to make an active work search for the week ending December 26, 2009. After a review of the information in the claimant's appeal letter and Agency benefit payment records, the administrative law judge concludes that no additional testimony is necessary.

ISSUE;

Should the warning be removed from the claimant's record?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The claimant did not conduct a work search during the week ending December 26, 2009, because the claimant was in training with the approval of the Agency.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record.

Iowa Code section 96.4-3 does not require a work search from claimants in training with the approval of the department. The evidence in this record establishes that the claimant was in training with the approval of the department during the week in question. Therefore, the claimant was not required to make a work search, and the warning shall be removed.

DECISION:

The unemployment insurance decision dated December 29, 2009, reference 04, is reversed.
The warning is removed from the claimant's record.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw