

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

JANICE A CROW
2443 – 75TH ST
WATKINS IA 52354

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-03828-BT
OC 03/07/04 R 03
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**.

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 are 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Active Search for Work

STATEMENT OF THE CASE:

Janice Crow (claimant) appealed an unemployment insurance decision dated March 24, 2004, reference 02, which issued her a warning for not making a minimum of two in-person job contacts during the week ending March 20, 2004. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on April 29, 2004. The claimant participated in the hearing.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered the evidence in the record, finds that: The claimant established a claim for unemployment insurance benefits during the week of March 13, 2004. She understood that each week she filed a claim for unemployment insurance benefits, she was required to make a minimum of two in-person job contacts. The claimant

filed a claim for the week ending March 20, 2004 and mistakenly reported that she did not make two in-person job contacts.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is actively and earnestly seeking work. Before a claimant is considered eligible to receive weekly unemployment insurance benefits, she must make an active search for work. 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 claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that appropriate in-person work search contacts were made for the week ending March 20, 2004. Accordingly, the warning shall be rescinded.

DECISION:

The unemployment insurance decision dated March 24, 2004, reference 02, is reversed. The claimant made two in-person job contacts for the week ending March 20, 2004, and the warning shall be rescinded.

sdb/b