

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAULA FROST
Claimant

APPEAL NO: 13A-UI-10592-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/28/13
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Active Work Search

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's September 9, 2013 determination (reference 02) that gave her a warning for not making two job contacts during the week ending August 31, 2013. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the warning was justified if the claimant intended to receive benefits for the week ending, but she did not intend to receive benefits for this week or the following week.

ISSUE:

Did the claimant make an active work search for the week ending August 31, 2013?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of April 28, 2013. She understood she was required to file a weekly claim every week even weeks she did not intend to receive benefits. She also understood that each week she wanted benefits; she was required to make a minimum of two job contacts.

For the weeks ending August 31 and September 7, the claimant filed weekly claims but had no expectation she would receive benefits because she was working as a contract employee out-of-town. She did not make job contacts for either week. Even though the claimant filed weekly claims for the weeks ending August 31 and September 7, 2013, she had no expectation that she would receive benefits for either week.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must make an active search for work. Iowa Code § 96.4(3). When a claimant does not make an earnest and active search for work, she is not eligible to receive benefits. 871 IAC 24.22(3).

The claimant did not make any job contacts for the weeks ending August 31 and September 7, 2013. She understood she had to file a weekly claim even when she had no expectation of receiving benefits. The claimant understood that if she did not make two job contacts, she would not receive any benefits. Since the claimant filed a weekly claim for the week ending August 31, 2013, the warning she received was justified. But, the claimant was not claiming any benefits for the weeks ending August 31 and September 7, because she worked as a contract employee and was not available to work for any other employer.

As of October 9, the claimant was disqualified from receiving benefits but she has appealed the disqualifying employment separation decision to the Employment Appeal Board. If the Employment Appeal Board reverses the decision for 13A-UI-06449, the claimant did not intend to receive benefits for the weeks ending August 31 and September and does not want the Department to pay her benefits for these weeks.

DECISION:

The representative's September 9, 2013 determination (reference 02) is affirmed. The warning the claimant received for not making two job contacts for the week ending August 31, 2013, was warranted.

If the Employment Appeal Board reverses the decision for appeal 13A-UI-06449, the claimant does not expect or want benefits for the weeks ending August 31 and September 7 because she was not available for work these two weeks and was not claiming benefits for either week.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs