

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JO ELLEN EWING

Claimant

APPEAL NO. 07A-UI-10430-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/28/07 R: 01
Claimant: Appellant (2)**

Section 96.4-3 – Active Search for Work

STATEMENT OF THE CASE:

Jo Ellen Ewing (claimant) appealed an unemployment insurance decision dated November 7, 2007, reference 02, which issued her a warning for not making a minimum of two in-person job contacts during the week ending November 3, 2007. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on November 29, 2007. The claimant participated in the hearing. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant made an active and earnest search for work for the week ending November 3, 2007.

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 effective October 28, 2007. 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 planned on moving to North Carolina during the week ending November 3, 2007. She contacted Iowa Workforce and requested to make her work searches by résumé for that one week. She was directed to make her request on-line which she did but was never notified of whether it had been approved or not. The claimant did actively look for work during the week ending November 3, 2007 by sending out résumés.

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 evidence indicates the claimant actively looked for work during the week ending November 3, 2007. Therefore, the warning issued to the claimant was not warranted.

DECISION:

The unemployment insurance decision dated November 7, 2007, reference 02, is reversed. The claimant actively looked for work during the week ending November 3, 2007, and the warning shall be rescinded.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css