

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY D KELLEY
Claimant

APPEAL NO: 07A-UI-08670-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/26/07 R: 03
Claimant: Appellant (2)**

Section 96.4-3 – Work Search

STATEMENT OF THE CASE:

Jeffrey D. Kelley (claimant) appealed a representative's September 5, 2007 decision (reference 01) that gave him a warning for not making two in-person job contacts for the week ending September 1, 2007. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on September 25, 2007. The claimant participated in the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant receive a warning for not making an adequate work search for the week ending September 1, 2007?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits that was effective as of August 26, 2007. The claimant is looking for work as a teacher and/or coaching. When the claimant established his claim at his local Workforce office, the representative told him he was authorized to meet his work search requirements by sending résumés to potential employers.

Even though the claimant was told he could meet his work search requirements by sending résumés, he was inadvertently coded as a claimant required to make in-person job contacts. When the claimant called in his claim for the week ending September 1, he was asked how many in-person job contacts he had made. The claimant truthfully responded zero because he had not made any in-person job contacts. He had, however, during the week ending September 1, 2007, sent his résumés, or job applications to two potential employers.

REASONING AND CONCLUSIONS OF LAW:

Before a claimant is considered eligible to receive weekly unemployment insurance benefits, he 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 facts establish the claimant was told and authorized that he could meet his work search requirements by sending applications or résumés to potential employers. The claimant made an active work search for the week ending September 1, 2007, by mailing job applications to two potential employers. Therefore, the warning issued to him in the representative's September 5, 2007 decision is not warranted.

DECISION:

The representative's September 5, 2007 decision (reference 02) is reversed. The claimant made an active search for work during the week of August 26, 2007. Therefore, the warning issued to him is not warranted and shall be removed.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs