

**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**

**BEVERLY A DAVIS
715 N 20TH ST
FT DODGE IA 50501**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-10541-AT
OC: 07-25-04 R: 01
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 is 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 – Work Search Warning

STATEMENT OF THE CASE:

Beverly A. Davis filed a timely appeal from an unemployment insurance decision dated September 21, 2004, reference 03, which issued a warning to her upon a finding that she had made no job contacts for the week ending September 18, 2004. After reviewing all matters of record and taking official notice of agency decision records, the administrative law judge concludes that no hearing is necessary.

FINDINGS OF FACT:

Having examined all matters of record the administrative law judge finds: Beverly A. Davis made no job contacts during the week ending September 18, 2004 because she was on vacation. She filed a weekly claim, indicating she was unavailable for work, so that she would not have to formally re-open her claim the following week. She did so on the advice of her local Workforce Development Center staff. A separate decision has ruled that Ms. Davis was ineligible for benefits for the week ending September 18, 2004. She has not appealed that decision.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record. The administrative law judge concludes that it should be removed because Ms. Davis filed her weekly claim, not in an attempt to receive unemployment insurance benefits, but only to maintain an open claim. Benefits paid to her for the week in question have been recovered. The warning should be removed.

DECISION:

The unemployment insurance benefits dated September 21, 2004, reference 03, is reversed. The warning is removed from the claimant's record.

b/tjc