

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

LEROY E HILL
300 SOUTH 14TH
FAIRFIELD IA 52556

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-01467-AT
OC: 01/02/05 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 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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated February 8, 2005, reference 03, which imposed a warning upon a finding that the claimant had failed to make an active work search for the week ending February 5, 2005. After a review of the information in the claimant's appeal letter and Agency benefit payment records, the administrative law judge concludes that no additional testimony is necessary.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The claimant filed a claim for benefits effective January 2, 2005 after being temporarily laid off by his regular

employer. The claimant remained attached to his regular employer until a decision dated Friday, February 4, 2005 which advised him that he was no longer temporarily unemployed and must commence a work search.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record.

The evidence establishes that the decision notifying Mr. Hill that he must commence seeking work was not mailed out until Friday, February 4, 2005. Mr. Hill could not have received the decision in sufficient time to begin seeking work during the week ending February 5, 2005. The warning shall be removed from his record.

DECISION:

The unemployment insurance decision dated February 8, 2005, reference 03, is reversed. The warning is removed from the claimant's record.

kjf\kjf