

**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**

**CAROL J WILSON  
554 HOPKINS ST  
JESUP IA 50648**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-05923-AT  
OC: 04-04-04 R: 03  
Claimant: Appellant (1)**

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 – Work Search Warning

STATEMENT OF THE CASE:

Carol J. Wilson filed a timely appeal from an unemployment insurance decision dated May 18, 2004, reference 04, which issued a warning for the week ending May 15, 2004 upon a finding that Ms. Wilson had not made any in-person job contacts during the week in question. After due notice was issued, a telephone hearing was held June 7, 2004 with Ms. Wilson participating.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Carol J. Wilson did not do a work search during the

week ending May 15, 2004 because she was working a temporary job. Ms. Wilson did not conduct a work search because she did not realize that she would be eligible for unemployment insurance benefits because she had some earnings. She worked fewer than 40 hours and earned less than the sum of her weekly benefit amount plus \$15.00. As a result, Ms. Wilson received benefits for the week.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record. It should not. Iowa Code Section 96.4-3 requires an active work search during each week that an individual receives unemployment insurance benefits. Since Ms. Wilson received benefits for the week in question, it was incumbent upon her to conduct a work search. The warning must remain in her record because she did not conduct the work search.

DECISION:

The unemployment insurance decision dated May 18, 2004, reference 04, is affirmed. The warning shall remain in the claimant's record.

tjc/b