

**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**

**BRIAN M FRANKS
1104 – 4TH ST SW
ALTOONA IA 50009**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-01054-DWT
OC: 12/11/05 R: 02
Claimant: Appellant (1/R)**

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 – Active Work Search

STATEMENT OF THE CASE:

Brian M. Franks (claimant) appealed a representative's January 24, 2006 decision (reference 01) that gave the claimant a warning for failing to make an active search for work for the week ending January 21, 2006. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on February 15, 2006. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant required to make an active work search for the week ending January 21, 2006?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of December 11, 2005. The claimant understood he was required to make an active search for work. The claimant did not understand he was not required to file a claim if he was not available to work.

The claimant did not look for work during the week ending January 21, 2006. Instead, the claimant went to Seattle, Washington, on January 15 and did not return until January 22, 2006. The claimant did not look for work in Washington. The claimant filed a claim for benefits for the week ending January 21, 2006.

REASONING AND CONCLUSIONS OF LAW:

Before a claimant is eligible to receive weekly unemployment insurance benefits, he must make an active search for work. Iowa Code §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 did not look for work during the week ending January 21, 2006. Therefore, the warning issued to him in the representative's January 24, 2006 decision is warranted.

An issue of whether the claimant is eligible to receive benefits for the week ending January 21 when he was in Seattle, Washington, is remanded to the Claims Section to investigate and issue a decision.

DECISION:

The representative's January 24, 2006 decision (reference 01) is affirmed. The claimant did not make an active search for work during the week ending January 21, 2006. Therefore, the warning issued to the claimant was warranted. An issue of whether the claimant is eligible to receive benefits for the week ending January 21, 2006 when he was in Seattle, Washington, is remanded to the Claims Section to investigate and issue a written decision.

dlw/s