

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHERRY L TATE
Claimant

APPEAL NO: 13A-UI-00217-DW

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/25/12
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Work Search

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 8, 2013 determination (reference 03) that gave her a warning for failing to make any job contacts during the week ending January 5, 2013. The claimant participated at the scheduled in-person hearing. During the hearing, Claimant Exhibit A was offered and admitted as evidence. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the warning the claimant received for the week ending January 5, 2013, is not warranted.

ISSUE:

Was the warning the claimant received for the week ending January 5, 2013, warranted?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week ending November 25, 2012. Initially, the claimant was not required to look for work. On January 4, 2013, the claimant received a determination that informed her she was required to make a minimum of two job contacts each week she filed a claim for benefits. The claimant immediately called and talked to a representative. The representative agreed that the claimant should not have to look for work because she was a laid off state employee.

The claimant appealed the January 4, 2013 determination. This determination has been modified to the extent the claimant is required to look for work as of January 6, 2013. See decision for appeal 13A-UI-00216-DW.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he must make an active search for work. Iowa Code § 96.4(3). When a claimant does not make an earnest and active search for work, she is not eligible to receive benefits. 871 IAC 24.22(3).

The facts show the claimant did not receive notice she was required to look for work until Friday, January 4, 2013. She immediately called and talked to a representative. This representative

also believed the claimant was not required to look for work. Since the claimant had one day to make two job contacts and did not receive correct information from a representative, the warning she received for failing to make an active work search for the week ending January 5, 2013, was not warranted. Also, based on the decision for appeal 13A-UI-00216-DW, the claimant is not required to look for work until the week of January 6, 2013. The warning the claimant received shall be removed from her unemployment insurance records.

DECISION:

The representative's January 8, 2013 determination (reference 03) is reversed. The notice the claimant had to make job contacts is effective as of January 6, 2013. Before a claimant receives a warning, she must receive adequate notice about the change in her work search requirements. A one-day notice is not sufficient. The warning the claimant received for failing to make an active work search for the week ending January 5, 2013, is not warranted and shall be removed from the claimant's records.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs