

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT FINOCCHIOLI**  
Claimant

**APPEAL NO. 08A-UI-11156-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 08/17/08 R: 02**  
**Claimant: Appellant (2)**

Section 96.4-3 – Active Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from an unemployment insurance decision dated November 25, 2008, reference 04 that issued a warning to him upon a finding that he had not made at least two job contacts during the week ending November 22, 2008. After reviewing the information in the claimant's appeal letter and Agency benefit payment records, the administrative law judge concludes that no additional testimony is necessary.

**ISSUE:**

Should the warning be removed from the claimant's record?

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: The claimant accepted employment during the week ending November 22, 2008, and earned less than the sum of the claimant's weekly benefit amount plus \$15.00. The claimant made no further job contacts because of having accepted employment.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code section 96.4-3 requires that claimants make an active work search each week that they request benefits. The Agency ordinarily interprets this to require a minimum of two contacts per week. The record in this case, however, establishes that the claimant's work search was successful. No further work search should be required. The warning should be removed.

**DECISION:**

The unemployment insurance decision dated November 25, 2008, reference 04, is reversed.  
The warning is removed from the claimant's record.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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