

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 T REED
400 WINDSOR CT
DES MOINES IA 50320

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-01052-DT
OC: 11/06/05 R: 02
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 - Active Search for Work

STATEMENT OF THE CASE:

Leroy T. Reed (claimant) appealed a representative's January 24, 2006 decision (reference 01) that warned him that he had failed to make the minimum job contacts during the week ending January 21, 2006. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be 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.

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective November 6, 2005. The claimant began a job he hoped would become permanent on Thursday, January 12,

2006. He worked that day, Friday, January 13, and part of Monday, January 16. However, he injured his hand at work on January 16, requiring him to go to the hospital and have some minor surgery. He was ordered by the doctor to stay off work on January 17, which he did. He returned and worked light duty on January 18, January 19, and January 20. He was released from his employment as of January 20. He filed a weekly claim for that week, seeking partial unemployment insurance benefits. He had not done a work search for that week, as he was working most of the week and he had hoped an offer of permanent employment would be made.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant should have been given a warning for not making an active search for work for the week ending January 21, 2006. Iowa Code section 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 personal and diligent effort to find a job. 871 IAC 24.22(3). The evidence establishes the claimant believed he had secured employment for the week ending January 21, 2006. Therefore, the warning issued to him in the representative's decision is not warranted.

DECISION:

The unemployment insurance decision dated January 24, 2006 (reference 01) is reversed. The claimant was excused from making an active search for work during the week ending January 21, 2006. Therefore, the warning issued to him was not warranted and shall be removed from his benefit history.

ld/kjw