

**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**

**AUDREY L DECARLO
3052 – 240TH ST
DALLAS CENTER IA 50063**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-08297-CT
OC: 07/31/05 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) – Work Search Requirements

STATEMENT OF THE CASE:

Audrey DeCarlo filed an appeal from a representative's decision dated August 9, 2005, reference 02, which warned that she had to make at least two in-person job contacts each week. After due notice was issued, a hearing was held by telephone on August 30, 2005. Ms. DeCarlo participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. DeCarlo filed a claim for job insurance benefits effective July 31, 2005. She filed on-line and did not see any information regarding the number of job contacts she had to make each week. She made one job contact before leaving town for

the weekend on August 4. Before leaving, she had not received written materials from Workforce Development advising her of the need to make at least two in-person contacts each week. The written materials were at her home when she returned on Sunday, August 7. She telephoned in her claim for the week ending August 6 on August 7.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the work search warning issued to Ms. DeCarlo should be rescinded. A warning is appropriate where an individual knowingly fails to earnestly look for work as required by Iowa Code section 96.4(3). When Ms. DeCarlo filed for benefits the first week after filing her claim, she was not aware that she had to make two in-person contacts. Although she had received the written materials by the time she telephoned in her claim, it was too late for her to make additional contacts for the week at issue. For the above reasons, the administrative law judge concludes that the warning should be removed.

DECISION:

The representative's decision dated August 9, 2005, reference 02, is hereby reversed. The work search warning issued to Ms. DeCarlo shall be rescinded.

cfc/kjw