

**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**

**ELIZABETH GATES
301 11TH ST
BELLE PLAINE IA 52208**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-00432-B4T
OC: 12/21/03 R: 03
Claimant: Appellant (1)**

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 – Whether Claimant Failed to Make an Active and Earnest Search for Work

STATEMENT OF THE CASE:

Elizabeth Gates appealed from a decision dated January 6, 2004 that warned the claimant she was to make two-in person job contacts each week she claimed unemployment insurance benefits. A telephone hearing was held on February 3, 2004. Elizabeth Gates participated.

FINDINGS OF FACT:

The administrative law judge, having examined the entire record in this matter, finds that: Elizabeth Gates filed an initial claim for benefits having an effective date of December 21, 2003. Subsequently, the claimant received instructions on the matter in which she could become eligible to be paid benefits. The claimant was aware that she was required to make two in-person job contacts each week.

The claimant filed a claim for benefits for the benefit week ending January 3, 2004, indicating that she made zero job contacts.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The evidence in the record clearly establishes that the claimant filed a claim for benefits for the benefit week ending January 3, 2004 and did not make two job contacts as required by the foregoing section of the Iowa Code.

The decision in this matter is a warning and does not preclude the claimant from receiving benefits because of the failure to make two in-person job contacts.

DECISION:

The unemployment insurance decision dated January 6, 2004, reference 01, is affirmed. Elizabeth Gates is warned that she is required to make a minimum of two in-person job contacts each week she claims unemployment insurance benefits.

kjf/b