

**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**

**DONNA M PETERSON  
919 W 19<sup>TH</sup> ST  
CARROLL IA 51401**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-02928-DWT  
OC 02/29/04 R 01  
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, 4<sup>th</sup> 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 are 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 – Active Search for Work

STATEMENT OF THE CASE:

Donna M. Peterson (claimant) appealed a representative's March 9, 2004 decision (reference 01) that warned her she had to make a minimum of two in-person job contacts each week she filed a claim for benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on April 7, 2004. 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.

ISSUE:

Should the claimant receive a warning not making an adequate work search for the week ending March 6, 2004?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits on March 5, 2004. Prior to filing a claim for unemployment insurance benefits, but during the week of February 29 the claimant completed a job application at a greenhouse. The claimant has not previously filed unemployment insurance benefits. On Friday, March 5, the claimant received information she was to make two in-person job contacts each week she filed a claim for benefits. The claimant did not understand she had to make two job contacts the week ending March 5 since it was Friday when the claimant established her claim. The claimant assumed she needed to start making her two in-person job contacts the following week, which she did. The claimant filed a claim for the week ending March 6, 2004.

REASONING AND CONCLUSIONS OF LAW:

Before a claimant is considered eligible to receive weekly unemployment insurance benefits, he must make an active search for work. 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 sincere effort to find a job. 871 IAC 24.22(3).

The evidence indicates the claimant was not told she needed to make two in-person job contacts for the week ending March 6. The claimant had already looked for work and made job contacts during this week. If the claimant would have known she needed to contact one more business, she could have done so. Under the circumstances of this case, the warning issued to the claimant in the representative's March 9, 2004 decision is not warranted.

DECISION:

The representative's March 9, 2004 decision (reference 01) is reversed. The claimant did not know she was required to make one more job contact when she established her unemployment insurance claim on Friday, March 6. If the claimant had been told to do this, she would have made one more job contact. Under these circumstances, the warning the claimant received is not warranted and shall be removed from her benefit history.

dlw/kjf