

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIE A BURKHALTER
Claimant

APPEAL NO. 07A-UI-10726-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/19/07 R: 02
Claimant: Appellant (2)**

Section 96.4-3 – Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated November 7, 2007, reference 05, which imposed a warning upon a finding that the claimant had failed to make an active work search for the week ending November 3, 2007. After a review of 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: Julie A. Burkhalter was medically unable to work during the week ending November 3, 2007.

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 establishes a general rule that all claimants must make an active work search each week that they request benefits. The evidence in this record establishes, however, that Ms. Burkhalter was medically unable to work during the week in question and filed a weekly claim only because she was instructed to do so by an agency employee. Under the circumstances, the warning should be removed.

DECISION:

The unemployment insurance decision dated November 7, 2007, reference 05, is reversed. The warning is removed from the claimant's record.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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