

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

JERI M RYAN
3404 N THORNWOOD
DAVENPORT IA 52806

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-11243-DWT
OC: 09/18/05 R: 04
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 – Work Search

STATEMENT OF THE CASE:

Jeri M. Ryan (claimant) appealed a representative's October 27, 2005 decision (reference 01) that issued her a warning for not making an active search for work for during the week of October 16, 2005. After a hearing notices was mailed to the claimant's last-known address of record, a telephone hearing was held on November 16, 2005. 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 for not making any job contacts the week of October 16, 2005?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of September 18, 2005. The claimant understood she was required to look for work either by making in-person contacts or on-line.

During the week of October 16, 2005, the claimant was in training for 32 hours so she could work as needed for an employer. The claimant did not make any work search efforts this week because of the training she was receiving. The claimant filed a claim for partial benefits and received partial benefits for the week ending October 22, 2005.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for unemployment insurance benefits, she must be able to and available for work. Iowa Code §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 did not look for any work during the week of October 16 because she was in training for 32 hours. Since the claimant filed a claim for benefits but did not receive authorization from her local Workforce office to have her work search requirements waived for this week, the warning the claimant received is warranted.

DECISION:

The representative's October 27, 2005 decision (reference 01) is affirmed. The warning the claimant received for failing to make any job contacts the week of October 16, 2005 is warranted.

dlw/tjc