

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSHUA M SEVART
Claimant

APPEAL NO: 09A-UI 17127-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/25/09
Claimant: Appellant (2)**

Section 96.4-3 – Work Search

STATEMENT OF THE CASE:

The claimant appealed a representative's November 3, 2009 decision (reference 01) that issued him a warning for failing to make two job contacts for the week ending October 31, 2009. A telephone hearing was held on December 10, 2009. 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 an active work search for the week ending October 31, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of October 25, 2009. A week before the claimant established his claim, a local Workforce representative talked to the claimant and co-workers about their layoff the week of October 25.

The claimant asked the representative when he should start making job contacts because he would be receiving severance pay. The representative told the claimant he would not need to make any job contacts the first week. Initially, the claimant thought he would receive his severance pay the week ending October 31. The claimant did not receive any severance pay until the week of November 1. As a result when the claimant filed a claim for the week ending October 31, he reported he had no wages, vacation or severance pay. The claimant also reported that he had not made any job contacts this week. The claimant received his maximum weekly benefits amount for the week ending October 31, 2009.

Since November 1, 2009, the claimant has made a minimum of two job contacts for each week he files a claim.

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 facts establish the claimant's work search requirements for the week ending October 31, 2009, were waived by a local Workforce representative. Therefore, the warning the claimant received is not warranted.

DECISION:

The representative's November 3, 2009 decision (reference 01) is reversed. The claimant was not required to look for work the week ending October 31 because a local Workforce representative waived his work search requirements for this week. Therefore, the warning issued to the claimant was not warranted and shall be removed from his benefit history.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs