

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

LOIS J SHERIFF  
3808 ELMWOOD DR NE  
CEDAR RAPIDS IA 52402

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-12759-AT  
OC: 11-14-04 R: 03  
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 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 – Active Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated November 23, 2004, reference 01, which issued a warning to the claimant based upon a finding that the claimant had not performed an active work search for the week ending November 20, 2004. After reviewing the claimant's appeal letter and Agency benefit payment records, the administrative law judge concludes that no additional testimony is necessary.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Lois J. Sheriff filed her original claim for unemployment insurance benefits on Friday, November 19, 2004. She

was advised by an agency employee that a work search was unnecessary for that calendar week because Ms. Sheriff had become unemployed at the close of business on Thursday, November 18, 2004. When Ms. Sheriff filed her weekly claim for benefits using the voice response unit, she indicated truthfully that she had not conducted a work search. The computer generated warning decision was then issued without human intervention.

#### REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record. It should. As a practical matter, Ms. Sheriff did not have a meaningful opportunity to seek work during the week ending November 20, 2004 since she did not become unemployed until the end of the day on Thursday and did not learn of the work search requirement until Friday. Furthermore, Ms. Sheriff acted upon the advice of an agency employee who told her that a work search was not necessary until the first full week of her unemployment. The warning should be removed.

#### DECISION:

The unemployment insurance decision dated November 23, 2004, reference 01, is reversed. The warning is removed from the claimant's record.

b/tjc