

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

BLAINE W CORKERY
2333 HUTCHINSON RD
COGGON IA 52218

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-12263-CT
OC: 10/02/05 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, 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 Requirements

STATEMENT OF THE CASE:

Blaine Corkery filed an appeal from a representative's decision dated November 15, 2005, reference 03, which warned that he was to make at least two in-person job contacts each week. Due notice was issued scheduling the matter for a telephone hearing to be held on December 7, 2005. Based on information contained in records of Workforce Development, the administrative law judge determined that a hearing was not necessary.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On November 10, 2005, Mr. Corkery was mailed a decision that he was no longer temporarily

unemployed and would need to start making two job contacts each week. November 11 was a holiday, Veteran's Day, and, therefore, there was no mail delivery on that date. Mr. Corkery did not receive the notice until Saturday, November 12, 2005. He did not have an opportunity to make two in-person job contacts for the week after receiving the notice.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the work search warning issued to Mr. Corkery should be rescinded. He did not know until November 12 that he had to start making job contacts. Given the timing of the notice, he had no reasonable opportunity to comply with the work search requirements for the week ending November 12, 2005. A work search warning is only appropriate where an individual fails to make the required work search in spite of knowing that one is required. Under the facts of the case at hand, the administrative law judge concludes that the warning issued to Mr. Corkery for the week ending November 12, 2005 should be rescinded.

DECISION:

The representative's decision dated November 15, 2005, reference 03, is hereby reversed. The work search warning issued to Mr. Corkery is hereby rescinded.

cfc/pjs