

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT J PORTER
Claimant

APPEAL NO. 10A-EUCU-00022-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/01/09
Claimant: Appellant (2)

Section 96.4-3 – Active Work Search

STATEMENT OF THE CASE:

The claimant appealed a representative's December 30, 2009 decision (reference 03) that warned him that he was required to make a minimum of two job contacts each week he filed a claim for benefits. A telephone hearing was held on February 6, 2010. 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:

Is the claimant required to look for work when he is on a semester break from Department Approved Training?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of March 1, 2009. He is in Department Approved Training, DAT, from August 29 through December 19, 2009, and from January 16 through February 27, 2010. A Workforce representative told the claimant that while he was in DAT and even during semester breaks, he was not requirement to look for work.

The claimant's classes ended on December 18, 2009. Classes resumed on January 11, 2010. The claimant filed a claim for the week ending December 26, 2009. Even though he understood he did not have to look for work, he had made one job contact and reported making the one job contact this week.

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 § 96.4-3. A claimant shall not be denied benefits for any week he is in Department Approved Training. Iowa Code § 96.4-3(6)a.

The law states a claimant's work search requirements are only waived when he is **IN** training. Even though the claimant was not in training the week ending December 26, he was told that he was not required to look for work during semester breaks. Therefore, the warning he received for the week ending December 26, 2009, is not warranted.

DECISION:

The representative's December 30, 2009 decision (reference 03) is reversed. Since the claimant was told he was not required to look for work even during semester breaks while he was in Department Approve Training, the warning issued to him was not warranted.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw