

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

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IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

MERLE DUEHR JR
UNITED STEELWORKERS
1610 GARFIELD
DUBUQUE IA 52001-2241

Appeal Number: 04A-UI-00017-DWT
OC 11/09/03 R 04
Claimant: Respondent (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 are 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 96.5-4 – Active Search for Work

STATEMENT OF THE CASE:

Ethel K. Schwartz (claimant) appealed a representative's December 30, 2003 decision (reference 05) that gave the claimant a warning for failing to make two in-person job contacts during the week ending December 27, 2003. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on January 26, 2004. The claimant participated in the hearing in the hearing with Merle Duehr, Jr., a union representative. 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 warning the claimant received for her work search for the week ending December 27, 2003 warranted?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of November 9, 2003. Initially, the Department did not require the claimant to look for another job. On December 23, 2003, the Department sent the claimant a notice indicating she was required to make two in-person job contacts each week she filed a claim for unemployment insurance benefits. The claimant received this information on December 24, 2003.

The claimant made one in-person job contact during the week ending December 27, 2003. The claimant filed a claim for benefits for this week.

REASONING AND CONCLUSIONS OF LAW:

Before a claimant is considered eligible to receive weekly unemployment insurance benefits, she 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 evidence indicates that prior to December 23 the claimant was not required to look for work. The claimant received notification on December 24 she had to make a minimum of two in-person job contacts each week she filed a claim for benefits. The claimant only made one in-person job contact during the week of Christmas or the week ending December 27, 2003. Therefore, the warning issued to her is warranted.

DECISION:

The representative's December 30, 2003 decision (reference 05) is affirmed. The claimant received notice on December 24 that she was required to make a minimum of two in-person job contacts each week she filed a claim for benefits effective immediately. The warning issued to her was warranted because she did not make two in-person job contacts during the week ending December 27, 2003.

dlw/b