

**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**

**PATRICIA M KLEPPE
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FAYETTE IA 52142**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-05773-DWT
OC: 06/27/04 R: 04
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 – Active Search for Work
871 IAC 24.39(2) – Department Approved Training and Work Search

STATEMENT OF THE CASE:

Patricia M. Kleppe (claimant) appealed a representative's May 24, 2005 decision (reference 04) that issued her a warning for failing to make two in-person job contacts during the week ending May 21, 2005. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on June 14, 2005. 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 a warning be issued to the claimant for not making two in-person job contacts for the week ending May 21, 2005?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of June 27, 2004. The claimant received Department approved training from July 3, 2004 through May 14, 2005 and from May 28 through June 25, 2005.

The claimant is enrolled in an independent study class for the summer of 2005. This class required the claimant to start working on a project for this class from May 14 through May 28, 2005.

The claimant filed a claim for benefits for the week ending May 21, 2005. The claimant did not make any job contacts during 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. 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).

However, while a claimant attends Department approved training, she need not actively seek work. After completion of the Department approved training, the claimant must actively search for work. 871 24.39(2).

The record shows the claimant completed a portion of her Department approved training on May 14, 2005. Although on paper, it appears the claimant had a one or two week break between semesters or quarters, she was working on a project for her independent study class during these weeks. Even if the claimant had not been working on a class project, it is not logical to require a claimant to go through a meaningless exercise of looking for work during a short school break when a claimant has not finished her training. The claimant is not required to look for work since she had not finished the training the Department gave her approval to pursue. As a result, the warning issued to the claimant shall be removed from her benefit history.

DECISION:

The representative's May 24, 2005 decision (reference 04) is reversed. The claimant is not required to look for work during the week ending May 21, 2005. Therefore, the warning issued to the claimant is not warranted and shall be removed from her benefit history.

dlw/tjc