

**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**

**ARLENE M NICOLA
318 7TH AVE N
FORT DODGE IA 50501**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-03137-AT
OC: 11-30-03 R: 01
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 Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated March 16, 2004, reference 05, 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 March 13, 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: During the week ending March 13, 2004, the claimant contacted at least two prospective employers in person. The claimant inadvertently indicated otherwise while filing her claim for the week in question.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record. For the reasons which follow, the administrative law judge concludes that it should.

Iowa Code Section 96.4-3 establishes the requirement that claimants must make an active work search each week that they request benefits. The Agency ordinarily interprets this provision as requiring a minimum of two in-person job contacts each week. The evidence in this record persuades the administrative law judge that the claimant conducted the requisite work search but inadvertently indicated otherwise. The warning shall be removed.

DECISION:

The unemployment insurance decision dated March 16, 2004, reference 05, is reversed. The warning is removed from the claimant's record.

sb/kjf