

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

WENDY J CHAPMAN
UNIT 4
2208 NW ASHTON LN
ANKENY IA 50023-7811

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-06847-DT
OC: 05/07/06 R: 02
Claimant: Appellant (2/R)

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

STATEMENT OF THE CASE:

Wendy J. Chapman (claimant) appealed a representative's June 27, 2006 decision (reference 02) that warned her that she had failed to make the minimum job contacts during the week ending June 24, 2006. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on July 25, 2006. 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.

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective May 7, 2006. For her weekly claim for the week ending June 24, 2006, the claimant reported having only made one in-person job contact, resulting in the issuance of the warning in the representative's decision. While the claimant had only one in-person job contact that week, she had also sent a job application and résumé to a prospective employer in response to an advertisement posted on a website. The ad indicated applications could only be made by email or regular mail. In the claimant's profession, graphic arts design, application by résumé is the usual way of making job applications.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant made an active search for work for the week ending June 24, 2006, and whether a warning issued to her is warranted. Iowa Code section 96.4-3. The administrative rule states an individual shall be ineligible for benefits for any period for which the Agency finds the individual failed to make an earnest and active search for work. An individual must make a personal and diligent effort to find a job. 871 IAC 24.22(3).

871 IAC 24.2-1-c(6) provides in pertinent part:

All claimants on an initial claim shall state that they are registered for work and shall list their principal occupation. The claims taker will then assign a group code to the claimant to control the type of registration that is made. Code assignments will be based on all facts obtained at the time of the claim filing. The group codes are:

(6) Group "6" claimants are those individuals whose occupations are of a nature that utilize résumés and are normally unable, due to factors such as occupation, distance, etc., to make in-person contacts for employment.

The claimant should be classified as a "Group 6" claimant. The evidence establishes the claimant made multiple job contacts during the week ending June 24, 2006. Therefore, the warning issued to her in the representative's decision is not warranted.

DECISION:

The unemployment insurance decision dated June 27, 2006 (reference 02) is reversed. The claimant made an active search for work during the week ending June 24, 2006. Therefore, the warning issued to her was not warranted and shall be removed from her benefit history. The matter is remanded to the Claims Section to reclassify the claimant as a "Group 6" claimant.

ld/pjs