

**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**

**NICHOLE M SEAMAN
2407 BURLINGTON AVE
BURLINGTON IA 50601**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-01582-DT
OC: 01/30/05 R: 04
Claimant: Appellant (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 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:

Nicole M. Seaman (claimant) appealed a representative's February 8, 2005 decision (reference 03) that warned her that she had failed to make the minimum job contacts during the week ending February 5, 2005. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on March 2, 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.

FINDINGS OF FACT:

The claimant had a separation from employment on January 4, 2005. The claimant established a claim for unemployment insurance benefits effective January 30, 2005. She understood that she needed to make at least two job contacts per week. She was granted authorization to perform a work search by résumé. However, the week ending February 5, she only sent out one résumé. She was aware she could supplement her work search with in-person job contacts; however, the week of February 5, 2005 she did not have ready access to transportation, and did not make any in-person job contacts.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant made an active search for work for the week ending February 5, 2005, and whether a warning issued to her is warranted. Iowa Code § 96.4-3. The administrative rules 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). The evidence establishes that even though the claimant had a good reason for failing to make additional job contacts, the claimant did not make multiple job contacts during the week ending February 5, 2005. Therefore, the warning issued to her in the representative's decision was warranted.

DECISION:

The unemployment insurance decision dated February 8, 2005 (reference 03) is affirmed. The claimant made an active search for work during the week ending February 5, 2005. Therefore, the warning issued to the claimant was warranted.

ld/kjf