

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

JOAN E ROSTERMUNDT
1269 E PIERCE ST
COUNCIL BLUFFS IA 51503

IOWA WORKFORCE
DEVELOPEMNT DEPARTMENT

Appeal Number: 05A-UI-03741-DWT
OC: 03/27/05 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 Search for Work

STATEMENT OF THE CASE:

Joan E. Rostermundt (claimant) appealed a representative's April 5, 2005 decision (reference 02) that warned her she was required to make two in-person job contacts each week she filed a claim for benefits because she had not done so for the week ending April 2, 2005. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on April 21, 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 the claimant receive a warning for failing to make a minimum of two job contacts for the week ending April 2, 2005?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of March 27, 2005. Instructional information was mailed to the claimant. The instructional information was not received at the claimant's home until April 1. The claimant, however, was not home because she had to go out of town unexpectedly. The claimant left at 10:00 a.m. on April 1. The claimant returned on Monday, April 4, 2005.

Prior to leaving town, the claimant had not been told she was required to contact a minimum of two employers each week she filed a claim for unemployment insurance benefits. If the claimant had known about this requirement, she would have met this requirement before she filed a claim 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 §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).

Before a claimant can be warned about failing to make job contacts, the claimant must receive this information from the Department. The evidence establishes the claimant had no idea she was required to make at least two job contacts each week she filed a claim for benefits. As the result of an unforeseen situation, the claimant was called out of town on April 1. The claimant did not know about the legal requirements until April 4 or until she returned home. Under these facts, the warning issued to the claimant is not warranted because the claimant had not received information that she was required to meet this requirement for each week she filed a claim for unemployment insurance benefits.

DECISION:

The representative's April 5, 2005 decision (reference 02) is reversed. The claimant did not receive information about work search requirements until April 4. Therefore, the warning issued is not warranted and shall be removed from her benefit history.

dlw/s