

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

DENNIS IREY
Claimant

APPEAL NO: 07A-UI-03844-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/19/06 R: 03
Claimant: Appellant (2)**

Section 96.4-3 – Active Search for Work

STATEMENT OF THE CASE:

Dennis Irey (claimant) appealed an unemployment insurance decision dated April 10, 2007, reference 02, which issued him a warning for not making a minimum of two in-person job contacts during the week ending April 7, 2007. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on April 30, 2007. The claimant participated in the hearing. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant made an active and earnest search for work for the week ending April 7, 2007.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered the evidence in the record, finds that: The claimant established a claim for unemployment insurance benefits effective November 19, 2006. He understood that each week he filed a claim for unemployment insurance benefits, he was required to make a minimum of two in-person job contacts unless he was on a temporary lay-off. During the week ending April 7, 2007, he made two in-person job contacts. The claimant filed a claim for the week ending April 7, 2007 and mistakenly reported that he did not make two in-person job contacts.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is actively and earnestly seeking work. Before a claimant is considered eligible to receive weekly unemployment insurance benefits, he must make an active search for work. Iowa Code section 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).

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that appropriate in-person work search contacts were made for the week ending April 7, 2007. Accordingly, the warning was not warranted and shall be rescinded.

DECISION:

The unemployment insurance decision dated April 10, 2007, reference 02, is reversed. The claimant made two in-person job contacts for the week ending April 7, 2007 and the warning shall be rescinded.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs