

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

JOHN D CLEAVER
529 W VAN BUREN ST
CENTERVILLE IA 52544

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-07709-CT
OC: 02/06/05 R: 03
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) – Work Search Requirements

STATEMENT OF THE CASE:

John Cleaver filed an appeal from a representative's decision dated July 26, 2005, reference 04, which warned that he was to make at least two in-person job contacts each week. Due notice was issued scheduling the matter for a telephone hearing to be held on August 15, 2005. Based on agency records, the hearing was not necessary.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Cleaver filed an original claim for job insurance benefits effective February 6, 2005 and an

additional claim for benefits effective July 3, 2005. He has been allowed Division Approved Training (DAT) for the period June 1 through August 18, 2005. The work search warning that is the subject of this appeal is for the week ending July 23, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the work search warning issued to Mr. Cleaver should be rescinded. A work search warning is only appropriate where an individual has, in fact, failed to make the work search required by Iowa Code section 96.4(3). Individuals on DAT are not required to seek work and may not be disqualified for failing to do so. See Iowa Code section 96.4(6). Because Mr. Cleaver was on DAT during the week ending July 23, 2005, the work search warning shall be removed.

DECISION:

The representative's decision dated July 26, 2005, reference 04, is hereby reversed. The warning issued to Mr. Cleaver is rescinded as he was not required to seek work because of his DAT status. Benefits are allowed, provided, Mr. Cleaver satisfies all other conditions of eligibility.

cfc/kjw