

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NATHAN W KASDORF
Claimant

APPEAL 21A-UI-18549-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/08/21
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Able and Available/Work Search
Iowa Admin. Code r. 871—24.22(3) – Earnest and Active Search for Work
Iowa Admin. Code r. 871—24.23(28) – Work Search Warning

STATEMENT OF THE CASE:

On August 23, 2021, claimant, Nathan W. Kasdorf, filed an appeal from the August 17, 2021, (reference 01), unemployment insurance decision that warned claimant to make at least two work-search contacts per week but did not deny benefits for the week ending August 14, 2021. After due notice was issued, a telephone conference hearing was scheduled to be held on October 13, 2021. Claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

Did the claimant make an adequate work search for the week ending August 14, 2021, and was the warning appropriate?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant claimed benefits for the week ending August 14, 2021. Claimant was unemployed for part of that week, and only made one job contact during the week. The following week, he began working at the employer where he applied on the week in question.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not made an active and earnest search for work during the week-ending August 14, 2021.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871—24.23(28) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(28) A claimant will be ineligible for benefits because of failure to make an adequate work search after having been previously warned and instructed to expand the search for work effort.

The claimant has not sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work for the week ending August 14, 2021, having only made one job contact on the week in which he claimed benefits. Accordingly, the warning was appropriate.

DECISION:

The August 17, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending August 14, 2021. Therefore, the warning was appropriate.



Alexis D. Rowe
Administrative Law Judge

October 18, 2021
Decision Dated and Mailed

ar/scn