

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**CHARLES K ESS**  
Claimant

**APPEAL 21A-UI-24545-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 09/26/21  
Claimant: Appellant (1)**

---

Iowa Code § 96.4(3) – Able and Available/Work Search  
Iowa Administrative Code R. 871-24.22(3)- Earnestly and Actively Seeking Work

**STATEMENT OF THE CASE:**

On November 5, 2021, Charles K. Ess (claimant) filed an appeal from the October 26, 2021, reference 02, unemployment insurance decision that warned him to make at least two work-search contacts per week but did not deny benefits for the week ending October 23, 2021. After due notice was issued, a telephone conference hearing was scheduled to be held on January 3, 2022. The claimant's appeal letter was sufficient to resolve the issue and no hearing was held.

**ISSUE:**

Did the claimant make an adequate work search for the week ending October 23, 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 October 23, 2021. He did not make two work searches for that week. Claimant made one job contact with Optimum Real Estate Management. Claimant was hired for the job the same week.

**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.

Iowa Code § 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 October 23, 2021. Accordingly, the warning was appropriate.

**DECISION:**

The October 26, 2021, reference 02, unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending October 23, 2021. Therefore, the warning was appropriate.



---

Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

---

January 26, 2022  
Decision Dated and Mailed

cs/kmj