

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KARI A PETERS**  
Claimant

**APPEAL 21A-UI-13404-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/14/21  
Claimant: Appellant (1)**

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Iowa Code § 96.4(3) - Able and Available  
Iowa Admin. Code r. 871-24.2(1)e – Notice to Report  
Iowa Admin. Code r. 871-24.23(11) – Failure to Report  
Iowa Admin. Code r. 871-24.6 – Reemployment Services and Eligibility Assessment

**STATEMENT OF THE CASE:**

On June 7, 2021, Kari Peters (claimant/appellant) filed a timely appeal from the May 27, 2021 (reference 02) unemployment insurance decision that denied benefits effective May 23, 2021 because of a failure to report as directed on May 26, 2021.

After due notice was issued, a telephone conference hearing was set for August 4, 2021. Claimant participated personally. The Department participated by RESEA Career Planner Rita Miller.

The hearing was conducted by Administrative Law Judge Jason Dunn. No exhibits were admitted. Administrative Law Judge Andrew Duffelmeyer has reviewed the record in its entirety and makes the following Findings of Fact and Conclusions of Law.

**ISSUES:**

Did the claimant fail to report as directed or offer a good cause reason for failure to do so?

**FINDINGS OF FACT:**

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds:

A notice was mailed to the claimant to be available for a call from IWD on May 18, 2021. Claimant did report to IWD on that date. She was then scheduled to participate in a workshop on May 20, 2021. Claimant did not appear for the workshop as scheduled.

The following day, May 21, the Department contacted claimant by email to notify her that she had missed the workshop. Claimant replied by email that same day that she had just been released from the hospital. On May 24, the Department contacted claimant to reschedule the workshop. Claimant agreed to take part in the work on May 26, 2021. However, claimant did not attend the

workshop on that date. Claimant contacted the Department on May 27, 2021 to ask to reschedule the workshop again, as she had been experiencing internet issues. The Department notified claimant that she was rescheduled for the next available workshop on June 2, 2021. She did not appear for that workshop as scheduled. Claimant made no effort to contact the Department after May 27, 2021 to reschedule the workshop again because based on documentation sent to her she did not believe it could be rescheduled further. Claimant contends she should have had more notice prior to workshops being rescheduled.

Claimant subsequently reported as directed and a decision was issued finding her eligible for benefits effective August 1, 2021.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the May 27, 2021 (reference 02) unemployment insurance decision that denied benefits effective May 23, 2021 because of a failure to report as directed on May 26, 2021 is AFFIRMED. Claimant is ineligible due to failing to report until August 1, 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. 871-24.2(1)e provides:

e. In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department.<sup>1</sup> An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's account at a financial institution or be paid by the mailing of a warrant on a biweekly basis.

...

The department retains the ultimate authority to choose the method of reporting and payment.

Iowa Admin. Code r. 871-24.6 provides in relevant part:

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<sup>1</sup> As of October 1, 2016, the agency requires all continued weekly claims to be filed online.

A claimant shall participate in reemployment services when referred by the department unless the claimant establishes justifiable cause for failure to participate or the claimant has previously completed such training or services. Failure by the claimant to participate without justifiable cause shall disqualify the claimant from the receipt of benefits until the claimant participates in the reemployment services or eligibility assessment. The claimant shall contact the agency prior to the scheduled appointment or service to advise the department of the justifiable cause.

a. Justifiable cause for failure to participate is an important and significant reason which a reasonable person would consider adequate justification in view of the paramount importance of reemployment to the claimant. Justifiable cause includes when the claimant is scheduled for an employment interview, is verified return to work, or both prior to the scheduled appointment or service.

Iowa Admin. Code r. 871-24.23(11) provides:

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

**(11)** Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

The administrative law judge finds claimant's contentions that she should have had more notice of the rescheduled workshops and this excuses her failure to attend them to be without merit. The record instead shows the Department kept in consistent contact with claimant and made numerous efforts to accommodate her. She was allowed three opportunities to attend the workshop and made no effort to contact the Department to remedy her failure to attend until on or about August 5, 2021. Since claimant did not report as directed by a department representative she is ineligible for benefits effective May 23, 2021 and continuing until August 1, 2021.

**DECISION:**

The May 27, 2021 (reference 02) unemployment insurance decision that denied benefits effective May 23, 2021 because of a failure to report as directed on May 26, 2021 is AFFIRMED. Claimant is ineligible due to failing to report until August 1, 2021.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

August 24, 2021  
Decision Dated and Mailed

abd/scn

***Note to Claimant:***

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.