

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JASMINE GRAFTON
Claimant

APPEAL 20R-UI-07687-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/01/20
Claimant: Appellant (4)

Iowa Code § 96.4-3 – Able and Available for Work
871 IAC 24.2(1)(e) – Failure to Report
871 IAC 24.23(11) – Failure to Report
Iowa Code § 96.3-7 – Overpayment
PL 116-136 Section 2104 (B) – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Jasmine Grafton (claimant) appealed a representative's March 23, 2020, decision (reference 06) that concluded she had failed to respond to a notice to report and was, therefore, not eligible to receive unemployment insurance benefits. Administrative Law Judge Morgan issued a decision on May 7, 2020, affirming the representative's decision. The Employment Appeal Board issued a decision of remand on July 9, 2020. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 13, 2020. The claimant participated personally.

ISSUE:

The issue is whether the claimant failed to report as directed, whether the claimant was able and available for work, whether the claimant was overpaid benefits, and whether the claimant is eligible for Federal Pandemic Unemployment Compensation.

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant filed for unemployment insurance benefits with an effective date of March 1, 2020. Her weekly benefit amount was determined to be \$134.00.

She filed weekly claims for the weeks ending March 7, 2020, and March 14, 2020. She received \$134.00 in unemployment insurance benefits for each week. On March 16, 2020, the claimant had a fact-finding interview with employer Black Hawk Nursing and Rehabilitation. The claimant requested time off due to [REDACTED] at the end of 2019. She indicated she was regularly seeing a physician. IWD told the claimant to send a doctor's release to IWD by March 18, 2020. She did not.

The claimant filed her weekly claim for the week ending March 21, 2020, but was not issued benefits because she did not provide the release. The claimant filed her weekly claim for the week ending March 21, 2020. When she filed her claim, the claimant reported she was not able and available for work. Benefits were not issued to her because she was not able and available for work and she did not provide the release. The claimant stopped filing weekly claims. The claimant received benefits of \$134.00 per week from March 1, 2020, to the week ending March 14, 2020. This is a total amount of \$268.00 in state unemployment insurance benefits. She did not receive any Federal Pandemic Unemployment Compensation.

The claimant next filed a weekly claims for benefits for the weeks ending May 16, 2020, and May 23, 2020. For the week ending May 23, 2020, the claimant accidentally pressed the button saying she was "NOT" able and available for work when she was able and available for work. The claimant recently reopened her claim for benefits on August 9, 2020

REASONING AND CONCLUSIONS OF LAW:

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.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly on a debit card specified by the department.

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

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

Availability disqualifications. 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 claimant was directed to provide a doctor's note to the department to show she was able and available for work. The claimant indicated regular visits with a physician but IWD did not specify what doctor should write the note. The claimant did not comply with the directive. In addition, the claimant indicated she was not able and available for work the week ending March 28, 2020. The claimant is denied benefits for the two-week period ending March 28, 2020, because she failed to report as directed and show she was able and available for work.

With regard to the week ending May 23, 2020, the claimant has presented sufficient evidence that she pushed a button in error resulting in incorrect computer response data. It is not practical to ask a claimant to provide a doctor's release in August 2020, for a medical event that

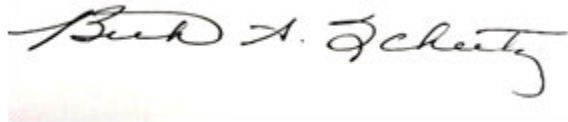
occurred in 2019. The disqualification shall not extend into May 2020. The claimant is eligible to receive unemployment insurance benefits as of May 16, 2020.

The claimant is not overpaid unemployment insurance benefits or Federal Pandemic Unemployment Compensation.

DECISION:

The representative's March 23, 2020, decision (reference 06) is modified in favor of the appellant. The claimant is denied benefits for the two-week period ending March 28, 2020, because she was not able and available. The claimant is eligible to receive unemployment insurance benefits as of May 16, 2020.

The claimant is not overpaid unemployment insurance benefits or Federal Pandemic Unemployment Compensation.

A handwritten signature in black ink, reading "Beth A. Scheetz". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Beth A. Scheetz
Administrative Law Judge

August 20, 2020
Decision Dated and Mailed

bas/mh