

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**MERLAIN IFAMILIK**  
Claimant

**APPEAL NO: 14A-UI-06478-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/04/14  
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able to and Available for Work  
871 IAC 24.2(1)e – Fail to Report as Directed

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's June 19, 2014 determination (reference 02) that held her ineligible to receive benefits as of June 15, 2014, because she did not participate in a June 18 phone interview. The claimant participated at the July 16 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is not ineligible for failing to provide requested information on June 18.

**ISSUE:**

Did the claimant fail to provide requested information?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of May 4, 2014. When the claimant filed her claims for the weeks ending May 17 and 24, she inadvertently reported she had refused work. As a result of this mistake, the claimant received a notice a representative would call her on June 18 to ask about her claims for the weeks ending May 17 and 24.

The claimant did not have working phone on June 18 because she used a pre-paid phone and did not have money for the phone to be active on June 18. The claimant notified her local representative before June 18 to reported problems she had with her phone. The claimant also told a representative she had made a mistake when she filed her claims on May 17 and 24 and had not refused any work these weeks.

When a representative called the claimant on June 18, the claimant could not be reached.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

Even though a representative could not contact the claimant on June 18 by phone, the claimant did not have a working phone that day. Between June 11 and 18, the claimant contacted a representative and reported that she did not have a working phone. The claimant also told a representative she had made a mistake when she filed her claims for the weeks ending May 17 and 24. She inadvertently reported she had refused work, but she had not. Under these facts the claimant is not ineligible to receive benefits for failing to provide requested information.

A May 27 determination (reference 01) that has not been appealed disqualified the claimant from receiving benefits based on the reasons for her employment separation from Pinnacle Health Facilities. Even though the June 9 determination addressed in this decision is in the claimant's favor, the claimant is still not qualified to receive benefits because May 27 disqualifying determination that had not been appealed as of July 16.

**DECISION:**

The representative's June 19, 2014 determination (reference 02) is reversed. The claimant provided the requested information concerning her claims for the weeks ending May 17 and 24. Since she informed a local representative that she would not have a working phone on June 18, she was unable to participate at the scheduled phone interview, but she still provided the information that a representative requested. Even though this determination is reversed, the claimant remains disqualified from receiving benefits based on a May 27 determination that held she had been discharged for disqualifying reasons from Pinnacle Health Facilities.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs