

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TIMOTHY P JANSEN
Claimant

APPEAL 19A-UI-08352-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/02/19
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

On October 25, 2019, the claimant appealed a representative's October 23, 2019 (reference 06) unemployment insurance decision that concluded he failed to respond to a notice to report and was, therefore, not eligible to receive unemployment insurance benefits as of October 20, 2019. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on November 14, 2019. The claimant participated personally. Department's Exhibit D-1 was received.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds that: On September 27, 2019, Iowa Workforce Development (IWD) mailed a letter to claimant giving him notice that he was required to register for work by October 9, 2019, using the IowaWorks website. Claimant received the letter within a few days of it being mailed and followed the instructions in the letter. Claimant believed he registered for work before the October 9, 2019, deadline. However, his information apparently did not register correctly into the website. On October 23, 2019, IWD mailed the reference 06 decision denying claimant benefits based on his failure to register for work by the deadline. Claimant filed a timely appeal.

On October 31, 2019, claimant went into his local IWD office and used the computer there. The computer at the local office had a newer operating system than claimant's computer. When claimant used the IWD computer, he saw that his information had not been registered correctly into the website. Claimant input his information and uploaded his resume again.

IWD's Customer Information Database reflects that claimant is registered for work effective October 31, 2019.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has registered for work effective October 31, 2019, and has shown a good cause reason for failing to register for work prior to that date.

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.

(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 register for work. Claimant followed IWD's instructions, but unbeknownst to him, the IowaWORKS website did not record his information. When claimant realized this was the case, he went into his local office and successfully submitted the required information. Claimant reported as directed effective October 31, 2019, and has shown a good cause reason for his failure to do so sooner.

DECISION:

The October 23, 2019 (reference 06) unemployment insurance decision is reversed. The claimant has registered for work and has shown a good reason for not doing so by the deadline imposed by IWD. Benefits are allowed effective October 20, 2019, provided he is otherwise eligible.



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November 22, 2019
Decision Dated and Mailed

cal/scn