

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

EDWARD Q O'BRIEN
Claimant

APPEAL 21A-UI-14513-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/04/21
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Eligibility – Able to, available for, work search
Iowa Admin. Code r. 871-24.2(1)e – Eligibility – A&A – Failure to report
Iowa Admin. Code r. 871-24.23(11) – Eligibility – A&A – Failure to report

STATEMENT OF THE CASE:

Claimant filed an appeal from the June 21, 2021 (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on August 20, 2021, at 1:00 p.m. Claimant participated. Iowa Workforce Development (IWD) participated through Violet Armstrong, Career Planner. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant is able to and available for work.
Whether claimant failed to report as directed by a department representative.
Whether claimant participated in the re-employment services class.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was required by IWD to participate in a workshop on June 16, 2021. IWD notified claimant of this requirement via telephone on June 11, 2021 and in a follow-up e-mail sent the same day to claimant's correct e-mail address. The e-mail stated that failure to attend the workshop may result in loss or denial of unemployment benefits. Claimant does not recall being instructed to attend the workshop during the telephone call or receiving the follow-up email. Claimant did not attend the workshop on June 16, 2021. Claimant provided no reason for his failure to attend the workshop.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant failed to report as directed without a good cause reason. Benefits are denied.

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:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

1. Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

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.

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.

Claimant received the notice to attend a workshop on June 16, 2021. Claimant did not attend the workshop and has not provided a good cause reason for his absence. Claimant is not able to or available for work effective June 13, 2021. Benefits are denied.

DECISION:

The June 21, 2021 (reference 03) unemployment insurance decision is affirmed. Claimant failed to report as directed and, thus, is considered unavailable for work. Benefits are denied effective June 13, 2021.



Adrienne C. Williamson
Administrative Law Judge
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August 27, 2021
Decision Dated and Mailed

acw/mh