

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ALEX M BROWN**  
Claimant

**APPEAL 18A-UI-05977-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 02/25/18  
Claimant: Appellant (4R)**

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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

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 23, 2018, (reference 05) unemployment insurance decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was set for June 15, 2018. Claimant participated. The administrative law judge takes official notice of the administrative record.

**ISSUES:**

Did the claimant fail to report as directed or offer a good cause reason for failure to do so?  
Is the claimant able to work and available for work the week-ending May 13, 2018?

**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, 2018. Claimant was not in town and he did not receive this piece of paper. Claimant explained that he had been in Nebraska for several days visiting friends. Claimant also missed the telephone call on May 18, and by the time he got the voicemail instructing him to call back it was too late to return the call. The following week, claimant went into the local workforce development office and asked for assistance.

The underlying issue involves claimant reporting that he quit a job. Claimant admits that he quit a job at a gas station during the week ending May 5, 2018. Claimant explained that he received an offer from AYM around this time and was planning to start working there. Claimant just started working at AYM on June 11, 2018. It is unclear whether claimant actually made the required job contacts during the weeks between receiving the offer and starting his new job. Claimant failed to report that he earned \$160.00 on a second paycheck from his job at the gas station. He explained that he had gone into the local office and told them about this income, but they did not note it in his weekly claim.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the underlying issue was due to claimant accurately reporting that he quit employment. Claimant reported back to the department during the week ending May 26, 2018.

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. 871-24.23(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.

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

Iowa Admin. Code r. 871-24.23(23) provides:

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

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

Here, claimant did not receive the notice about the telephone call on May 18 because he was out of town visiting friends. This is not a good cause reason for failing to report as directed. Claimant went into his local office the following week to inquire about the telephone call that he missed. Benefits are allowed beginning with that week. Claimant testified that he just started employment with AYM on June 11, 2018. Therefore, he is no longer available for work.

During his testimony, claimant explained that he quit his job at the gas station and also received \$160.00 in wages from the gas station that was never reported on his weekly continued claim for benefits. This matter will be remanded so those issues can be fully addressed.

**DECISION:**

The May 23, 2018, (reference 05) unemployment insurance decision is modified in favor of claimant/appellant. The claimant has established a reason for failing to report as directed. The underlying issue was the result of claimant accurately reporting that he quit employment. Benefits are allowed for the week-ending May 26, 2018, and effective May 27, 2018, until the week ending June 9, 2018, provided he is otherwise eligible.

**REMAND:**

The issues of claimant's quitting employment with the gas station and claimant's unreported \$160.00 are remanded to the Benefits Bureau of Iowa Workforce Development for initial investigation and determination.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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