

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JERRY J WITTER
Claimant

APPEAL 16A-UI-09556-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/10/16
Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Able and Available
871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the August 25, 2016, (reference 02) decision that denied benefits finding the claimant had failed to report as directed. After due notice was issued, a hearing was held by telephone conference call on September 20, 2016. Claimant participated. Official notice was taken of agency records. Claimant's exhibit A was entered and received into the record.

ISSUE:

Did the claimant fail to report as directed?

Is the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed his weekly continuing claim for the week ending August 6, 2016 and inadvertently indicated he had refused an offer of work. The claimant has not refused any offer of work. He was sent a letter notifying him that a fact-finder would call him on August 24 at 4:15 p.m. to inquire about his response. The claimant did not answer the telephone for some unknown reason and accidentally deleted the fact-finder voice mail message. He went to the local office to report what had occurred.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has not established a good cause reason for having failed to report as directed.

Iowa Code § 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. 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.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

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.

Since claimant has not established a good cause reason for failing to report as directed, benefits are denied for the period he did not report to provide the requested information. On August 29 the claimant provided in his appeal letter that he had just pushed a button in error. Thus beginning with the week ending September 3, the claimant is considered able to and available for work and benefits are allowed. The claimant's failure to report was for one week only, the week ending August 27, 2016.

DECISION:

The August 25, 2016, (reference 02) decision is modified in favor of the claimant. The claimant has not established a good cause reason for failing to report as directed. Benefits are allowed effective August 29, 2016.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs