

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WILLIAM J WILGENBUSCH
Claimant

APPEAL 18A-UI-09101-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/24/17
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:

The claimant/appellant filed an appeal from the August 28, 2018 (reference 01) unemployment insurance decision that denied benefits effective August 19, 2018 because claimant failed to report as directed. After due notice was issued, a telephone hearing was held on September 19, 2018. Claimant participated personally. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUES:

Is the claimant able to and available for work?
Did the claimant fail to report as directed or have a good cause reason for his failure to do so?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds:

The claimant reported he refused an offer of work when filing his weekly-continued claim for the benefit week ending August 11, 2018. He reported this incorrectly, as he did not refuse an offer of work. This was simply a reporting error.

A notice was mailed to the claimant to be available for a fact-finding interview call from Iowa Workforce Development ("IWD") on August 24, 2018. The claimant received the notice from IWD prior to the date and time set for the fact-finding interview. Claimant telephoned IWD prior to August 24, 2018 and informed the agency that he reported his refusal of offer of work incorrectly when filing his weekly-continued claim online for the week-ending August 11, 2018. Claimant was unable to attend the August 24, 2018 fact-finding interview because he was working.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has established a good cause reason for having failed to report as directed and benefits are allowed effective August 19, 2018, provided he is otherwise eligible.

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:

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.

(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 responded to the notice of fact-finding interview prior to the interview being conducted. Claimant was unable to attend the interview because he was working at the time.

This is considered a good cause reason for his failure to report on the date and time of the interview. Benefits are allowed effective August 19, 2018, provided he is otherwise eligible.

DECISION:

The August 28, 2018 (reference 01) unemployment insurance decision is reversed. The claimant has established a good cause reason for failing to report as directed. The underlying issue was the result of a reporting error. Benefits are allowed effective August 19, 2018, provided claimant is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs