

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**DAVID L MIMS**  
Claimant

**APPEAL 16A-UI-09123-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/24/16  
Claimant: Appellant (4)**

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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 August 18, 2016, (reference 01) decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing conducted on September 8, 2018. The claimant participated personally. Department exhibit D-1 was received into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant fail to report as directed or offer a good cause reason for 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 filed a weekly voice response claim and mistakenly pushed the button indicating he refused an offer for work for the week ending August 6, 2016. The claimant missed the subsequent fact-finding interview call conducted on August 17, 2016 at 10:30 a.m. for unknown reasons. He did receive the notice of fact-finding interview but was confused, and denied receiving a voicemail upon missing the fact-finding interview. He responded to the Agency that the indication of refusal of work was an error by way of his appeal letter dated August 20, 2016.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the underlying issue was the result of a reporting error, and 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.

The unemployment insurance law provides that a claimant must be able to work, available for work, and actively seeking employment. Iowa Code Section 96.4-3. Under the unemployment insurance rules, a claimant who fails to report as directed to the Agency in response to a notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11). The claimant indicated in error on his weekly claim for the week ending August 6, 2016, that he had refused an offer of work. The claimant then missed the fact-finding interview on August 17, 2016, to address the issue of whether the claimant had in fact refused an offer of work. The claimant then responded to the Agency on August 20, 2016, by way of his appeal letter, and addressed

the underlying issue of the work refusal was an inadvertent reporting error. Based on the evidence presented, the administrative law judge concludes that the claimant has not established a good cause reason for failing to respond to the Agency's notice to report to the August 17, 2016 fact-finding interview. Benefits are denied for the one week ending August 20, 2016. Benefits are allowed effective August 21, 2016, provided he is otherwise eligible.

**DECISION:**

The August 18, 2016, (reference 01) unemployment insurance decision is modified in favor of the claimant. The claimant has not established a good cause reason for failing to report as directed. The underlying issue was the result of a reporting error. Benefits are denied for the week ending August 20, 2016. Benefits are allowed effective August 21, 2016, provided he is otherwise eligible.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

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