

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

NICHOLAS A EBERHARDT
Claimant

APPEAL NO: 19A-UI-01742-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/11/18
Claimant: Appellant (4)

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 an appeal from the February 19, 2019, (reference 05) unemployment insurance decision that denied benefits because of a failure to report as directed. The claimant was properly notified about the hearing. A telephone hearing was held on March 15, 2019. The hearing was held as a consolidated hearing with Appeal 19A-UI-01741-JC-T and Appeal 19A-UI-01743-JC-T. The claimant participated personally. Claimant Exhibits A-B were admitted. 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 established a claim for unemployment insurance benefits with an effective date of November 11, 2018. When he made an online weekly continued claim for the week ending January 26, 2019, he indicated that he had refused an offer of work. This was a keystroke error.

However, as a result of his response, a notice of fact-finding interview was mailed to the claimant on January 31, 2019, directing the claimant to participate in a scheduled call on February 12, 2019 at 2:10 p.m. The claimant received the notice of fact-finding interview. He did not participate in the call because he forgot about it (Claimant Exhibit A).

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.

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

The claimant failed to attend the fact-finding interview because he forgot about it. The claimant failed to establish a good cause reason for failure to attend the fact-finding interview. Accordingly, he is ineligible for benefits for the week of February 17 through 23, 2019.

Because the underlying work refusal issue was due to a reporting error, it is moot at this time.

DECISION:

The February 19, 2019, (reference 05) 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. Accordingly, he is ineligible for benefits for the week of February 17 through 23, 2019.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn