

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PAULA M OCONNOR
Claimant

APPEAL 16A-UI-05754-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/17/16
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 May 16, 2016, (reference 03) decision that denied benefits finding the claimant failed to report as directed. After due notice was issued, a hearing was held by telephone conference call on June 8, 2016. Claimant participated.

ISSUE:

Did the claimant fail to report as directed?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: On April 27, 2016 a notice was mailed to the claimant requesting she provide information to the agency about a pension she was receiving. The claimant received the letter but misplaced it in a pile of paperwork in her home. Claimant went into her local Workforce office in Fort Dodge on May 20 once she received the decision denying her benefits. At that time she reported the information about her pension that had been requested by the agency. The claimant is receiving a pension, but it is from an employer who is no longer in her base period.

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. 871-24.23(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 received the inquiry letter but misplaced it. That is not a good-cause reason for failing to report to the agency inquiry. She reported as of May 20, 2016, thus benefits are denied for the two-week period ending May 21, 2016. Since the claimant has now reported, she is eligible for benefits again beginning on May 22, 2016.

DECISION:

The May 16, 2016, reference 03, 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 May 22, 2016, provided the claimant is otherwise eligible. Benefits are denied for the two-week period ending May 21, 2016.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs