

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LIZA Z SMART**  
Claimant

**APPEAL NO: 18A-UI-05109-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/14/18**  
**Claimant: Appellant (5R)**

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  
Iowa Admin Code chapter 25- Benefit payment control

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 25, 2018, (reference 09) unemployment insurance decision that denied benefits concluding the claimant was ineligible after failing to report to a quality control auditor as directed. The claimant was properly notified about the hearing. A first notice of hearing was mailed to the claimant on May 3, 2018 for a May 24, 2018 telephone hearing. On May 24, 2018, the claimant requested a postponement, stating that the hearing interfered with her social security appointment for a legal dependent.

A second notice of hearing was mailed to the claimant, and a telephone hearing was held on June 11, 2018. The claimant participated personally. Michelle Sadoris, Job Insurance Quality Auditor II, also participated. Department Exhibits A through C were received into evidence. The administrative law judge took official notice of the claimant's unemployment insurance benefits records. 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 an unemployment insurance claim effective January 14, 2018.

When she opened her claim, the claimant agreed that she would read and understand the handbook. She was given the option of reading the Unemployment Insurance Handbook online or a hardcopy. The Unemployment Insurance Handbook includes instructions for properly filing claims and informs claimants that failure to follow the instructions may result in a denial of benefits or overpayment of benefits. The handbook also informs claimants that they should call

IWD customer service for help if they don't understand the information in the handbook. The claimant stated she read the online copy.

The handbook also provides in part:

**The Quality Control Unit**

The Quality Control (QC) unit of the UI Integrity Bureau randomly selects claims and benefit denial decisions each week for review, to determine if benefits were accurately paid or denied. Selected individuals are required to participate in the review as a condition of continuing eligibility for UI benefits. A Notice of Selection, containing the date and time of the telephone interview with a QC Auditor, is mailed to each selected individual prior to the review. Individuals will receive a questionnaire for completion prior to the telephone interview. Individuals must have a record of their work searches made for the week under review, as QC will verify the work search with the employer(s). Refusal to cooperate with the auditor may result in a denial of UI benefits (Department Exhibit B4).

Based upon the US Department of Labor guidelines, claims are selected at random for audits, and the claimant was first notified that her claim would be audited when a notice to report was mailed to the claimant's address of record on March 27, 2018 (Department Exhibit A-1). The notice stated the claimant had been selected and was responsible for completing an enclosed questionnaire, and that failure to respond by April 4, 2018, could lead to further denial of benefits (Department Exhibit A-1). A valid email address was also requested. The claimant did not respond. Ms. Saddoris then attempted to call the claimant on April 11, 2018 and documented she left a voicemail for the claimant, who did not respond to the voicemail (Department Exhibit A-5).

A second notice for a scheduled fact-finding interview was then mailed to the claimant on April 19, 2018, for an interview on April 24, 2018 (Department Exhibit A-4). The notice contained a warning that failure to appear will result in immediate disqualification (Department Exhibit A-4). When Ms. Saddoris attempted to call the claimant for the interview, she received a message that the caller had restrictions to accepting calls and the call could not be completed (Department Exhibit A-5). Thereafter, Ms. Saddoris rendered an initial decision concluding the claimant failed to meet the eligibility requirements for her failure to respond (Department C-3).

The claimant indicated she was having issues related to filing her weekly continued claims and went to visit her local office. At that time, she learned of the unfavorable decision. Even though the decision stated the claimant cannot be eligible until she resolved the issue with quality control, the claimant made no steps to address the pending issues. She denied receipt of the initial decision dated April 25, 2018, until she visited the Ottumwa IWD office for an unrelated issue. Effective May 1, 2018, (the day she filed her appeal) her claim for benefits was denied until she resolved the outstanding issue. At the hearing, Ms. Saddoris agreed to email the claimant another copy of the necessary questionnaire (A-3). She also provided her direct phone number to the claimant and explained that the questionnaire must be completed in order for any lock related to this issue is lifted.

The claimant stated she has lived at her mailing address since October, and that it is an apartment complex, containing three units. She reported her non-receipt of the notice of selection, notice to report to the fact-finding interview and initial decision was due to mail issues and she believed people were tampering with her mail. She also denied receipt of Ms. Saddoris' voicemail on April 11, 2018 and stated her phone was disconnected for periods when she was unable to pay the bill.

In her appeal letter and request for postponement, the claimant referenced caring for a dependent grandchild who has serious medical issues, for whom she must attend meetings for and provide childcare.

#### **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.

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 § 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) and 871 IAC 871-24.2(1)e.

The issue in this case is whether the claimant is ineligible for benefits effective April 22, 2018, because she did not report to the Agency on April 24, 2018, as directed. The credible evidence presented is the claimant was made aware that she could be denied benefits if she failed to report when directed by a representative of Iowa Workforce Development, (Department Exhibit B4). Specifically, Ms. Saddoris attempted to contact the claimant on April 19, 2018 when she was mailed a notice for an interview on April 24, 2018 (Department Exhibit A-4). When Ms. Saddoris later attempted to call the claimant for the interview, she received a voice message (Department Exhibit A-5). The claimant denied receipt of either the interview notice or the voicemail. Since the claimant did not receive the notice of fact-finding interviews or voicemail from Ms. Saddoris, the claimant has established a good cause reason for failing to report as directed. The claimant is reminded that she is to update the agency if her phone number or address changes, so that the agency can contact her if issues arise with her unemployment insurance claim.

Based on the evidence presented, the claimant has established a good cause reason for failing to report as directed. The underlying issue of completing the Department of Labor questionnaire must be resolved in order for the claimant to be eligible for benefits. Therefore, the initial decision is modified with no change in effect to the claimant until she completes the required questionnaire.

**REMAND:** The issue of whether the claimant is able to and available for work due to childcare and serious family needs as delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

#### **DECISION:**

The April 25, 2018, (reference 09) initial decision is modified with no change in effect. The claimant has established a good cause reason for failing to report as directed. At this time, the claimant has not resolved the underlying requirement to complete the Department of Labor

questionnaire and therefore this decision has no change in effect until the claimant completes the required questionnaire.

**REMAND:** The issue of whether the claimant is able to and available for work due to childcare and serious family needs as delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

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