

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MICHAEL MCKINLAY**  
Claimant

**APPEAL 19A-UI-08322-AW-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/05/19**  
**Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search  
Iowa Admin. Code r. 871-24.2(1)(E) – Eligibility – A&A – Failure to report

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the October 22, 2019 (reference 03) unemployment insurance decision that denied benefits as of October 13, 2019 because claimant failed to report to Iowa Workforce Development as directed. Claimant was properly notified of the hearing. A telephone hearing was held on November 14, 2019 at 2:00 p.m. Claimant participated. Claimant's Exhibits A and B were admitted. Official notice was taken of the administrative record.

**ISSUES:**

Whether claimant was able to and available for work.  
Whether claimant failed to report as directed by a department representative.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant moved to Minnesota in April 2019 and filed an original claim for unemployment insurance benefits with an effective date of May 5, 2019. Iowa Workforce Development directed claimant to register for work in Minnesota because that was the state of his residence. Claimant registered for work in Minnesota immediately. (see Exhibits A & B) On September 23, 2019, a notice was sent to claimant directing him to complete work registration by October 7, 2019. Claimant does not recall receiving the notice. Claimant registered for work in Minnesota prior to October 7, 2019.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant did not fail to report to Iowa Workforce Development as directed. Benefits are allowed as of October 13, 2019.

Iowa Code section 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.

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.

Claimant registered for work in Minnesota prior to October 7, 2019 based upon the direction he received from Iowa Workforce Development. Claimant did not fail to report to Iowa Workforce Development as directed. Benefits are allowed as of October 13, 2019 provided claimant is otherwise eligible.

**DECISION:**

The October 22, 2019 (reference 03) unemployment insurance decision is reversed. Claimant did not fail to report as directed. Benefits are allowed as of October 13, 2019, provided claimant is otherwise eligible.

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Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

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Decision Dated and Mailed

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