

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**RAYMOND K HANSON**  
Claimant

**APPEAL NO. 19A-UI-02059-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/13/19**  
**Claimant: Appellant (2)**

Iowa Code Section 96.4(3) – Able & Available  
Iowa Administrative Code Rule 871-24.2(1)(e) – Failure to Report as Directed

**STATEMENT OF THE CASE:**

Raymond Hanson filed a timely appeal from the March 5, 2019, reference 02, decision that denied benefits effective March 3, 2019, based on the deputy's conclusion that Mr. Hanson failed to report as directed and therefore did not meet the availability requirement. After due notice was issued, a hearing was held on March 25, 2019. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-02058-JTT. Mr. Hanson participated. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: continued claims (KCCO), database readout (DBRO), fact-finding notice date and interview date (KFFV), and the deputy's notes from the fact-finding interview set for March 4, 2019.

**ISSUES:**

Whether Mr. Hanson failed to report as directed on March 4, 2019 and thereby failed to meet the availability requirement.

Whether Mr. Hanson has been able to work and available for work since March 3, 2019.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Raymond Hanson established an original claim for benefits that was effective January 13, 2019 and has made weekly claims since then. Mr. Hanson has limited computer skills and has relied heavily on assistance from Iowa Workforce Development staff at the Iowa City IowaWORKS center. When Mr. Hanson made his weekly claim for the week that ended February 16, 2019, he mistakenly indicated that he was not able to work and/or available for work that week. That reporting error prompted Iowa Workforce Development to schedule a fact-finding interview to address the weekly claim report for the week that ended February 16, 2019.

On February 25, 2019, Iowa Workforce Development mailed a notice of fact-finding interview to Mr. Hanson at his address of record. The notice set a telephonic fact-finding interview for 2:40 p.m. on March 4, 2019. Mr. Hanson's address of record is a United States Postal Service Post Office box in Hills, Iowa. Mr. Hanson did not receive the notice of the fact-finding interview. Mr. Hanson did not know to expect a call at 2:40 p.m. on March 4, 2019 and missed the deputy's call regarding the fact-finding interview. On March 5, 2019, Iowa Workforce Development mailed two decisions to Mr. Hanson. One of the decisions denied benefits for the week that ended February 16, 2019. The other decision denied benefits effective March 3, 2019, based on the failure to appear for the March 4, 2019 fact-finding interview. When Mr. Hanson received the decisions, he went to the Iowa City IowaWORKS center on March 8, 2019 to get assistance in filing an appeal. Mr. Hanson indicated on the appeal form that he had made an honest mistake on his claim for the week that ended February 16, 2019, but would be more careful going forward.

Since March 3, 2019, Mr. Hanson has been physically and mentally able work, available for work, and has made two or more weekly job contacts.

#### **REASONING AND CONCLUSIONS OF LAW:**

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".

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. Iowa Administrative Code rule 871-24.2(1)(e). 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. Iowa Administrative Code rule 871-24.23(11).

Mr. Hanson had good cause for not participating in the March 4, 2019 fact-finding interview, based on his lack of notice regarding the fact-finding interview. The failure to report was not volitional and cannot serve as a basis for finding that Mr. Hanson was not available for work. Since March 3, 2019, Mr. Hanson has been able to work and available for work within the meaning of the law. Benefits are allowed effective March 3, 2019, provided Mr. Hanson meets all other eligibility requirements.

**DECISION:**

The March 5, 2019, reference 02, decision is reversed. The claimant had good cause for failing to report as directed for the March 4, 2019 fact-finding interview. Since March 3, 2019, the claimant has been able to work and available for work within the meaning of the law. Benefits are allowed effective March 3, 2019, provided the claimant meets all other eligibility requirements.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs