

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**DONALD R POOLE**  
Claimant

**APPEAL 16A-UI-07081-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/29/16  
Claimant: Appellant (2)**

---

Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the June 22, 2016, (reference 02) decision that denied benefits finding the claimant had failed to report as directed. After due notice was issued, a hearing was held by telephone conference call on July 7, 2016. Claimant participated and was represented by Mike Norris, attorney at law. On June 29, 2016 the agency issued a new decision, reference 04 that reversed their prior finding that the claimant had failed to report as directed.

**ISSUE:**

Should the representative decision reference 02 issued on June 22, 2016 be reversed to be consistent with subsequent agency action in the decision issued as reference 04?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The agency decision issued on June 22, 2016 has been reversed by agency action in a new decision issued on June 29, 2016 that found the claimant did not fail to report as directed.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the representative's decision should be reversed.

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".

Since the decision appealed has been reversed in favor of the appellant, the original representative's decision bearing reference 02 is reversed. The claimant did not fail to report as directed. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The June 22, 2016, (reference 02) unemployment insurance decision is reversed so as to be consistent with subsequent agency action. Benefits are allowed.

---

Teresa K. Hillary  
Administrative Law Judge

---

Decision Dated and Mailed

tkh/pjs