

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MARIE KAYSER**  
Claimant

**APPEAL 19A-UI-08313-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 06/02/19  
Claimant: Appellant (1)**

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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

**STATEMENT OF THE CASE:**

On October 24, 2019, Marie Kayser (claimant) filed an appeal from the October 21, 2019, reference 01 unemployment insurance decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was set for November 13, 2019. The claimant participated. The administrative law judge took official notice of the administrative record.

**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: On September 27, 2019, a notice was mailed to the claimant to register for work and create an employer searchable resume by October 9. The claimant had already submitted her resume and verified it was in the system on October 3. She did not know what an employer searchable resume was and did not contact Iowa Workforce Development (IWD) for any additional information.

On October 21, 2019, an unemployment insurance decision, reference 01, was mailed to the claimant stating she had failed to report as directed and denied benefits effective October 13. The claimant contacted an IWD representative who explained the process and said she would pass the claimant's information along to the person handling these decisions. The administrative record shows the claimant created an employer searchable resume on October 24. On October 25, an unemployment insurance decision, reference 02, was mailed to the claimant's address notifying her that she was eligible for benefits effective October 20 as she was now available for work.

## 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. Benefits are denied for the week ending October 19, 2019.

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. 871-24.2(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.

The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's account at a financial institution or be paid by the mailing of a warrant on a biweekly basis.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

The department retains the ultimate authority to choose the method of reporting and payment.

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.

An individual claiming benefits has the burden of proof that she is be able to work, available for work, and earnestly and actively seeking work. Iowa Admin. Code r. 871-24.22. The claimant received the notice to report. She has not established that she followed all of the instructions in the letter. She did not contact IWD and mistakenly believed she had done everything required which does not constitute good cause for her failure to report. Accordingly, benefits are denied for the week ending October 19, 2019.

**DECISION:**

The October 21, 2019, reference 01, unemployment insurance decision is affirmed. The claimant has not established a good cause reason for failing to report as directed. Benefits are denied for the week ending October 19, 2019.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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