

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CORBY L KIMBLE
Claimant

APPEAL NO. 14A-UI-00183-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/02/13
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available/Work Search
871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 31, 2013, reference 03, decision. The decision denied benefits for the week ending December 28, 2013 due to the claimant's failure to report as directed to the agency. After due notice was issued, a hearing was scheduled to be held on January 29, 2014. A review of the claimant's appeal letter and agency records made clear that additional testimony was not needed and no hearing was held.

ISSUE:

Did the claimant fail to report as directed and was she able to and available for work for the week ending December 7, 2013?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of June 2, 2013. The claimant was ordered to provide information about her work search for the week ending December 7, 2013. The form sent to the claimant told her she would have a telephone interview on December 26 or that she could avoid the interview by submitting the requested information to the agency prior to December 26. The claimant did not receive the notice to report form until December 29. She took the required information to her local Workforce office on January 3, 2014 and was told to file an appeal. The claimant has provided the required work search documentation and did make appropriate work searches during the week ending December 7, 2013. Because the claimant did not receive timely notice of the request to provide information, there was no way she could reasonably comply. She has established that she made and properly documented her work searches for the week ending December 7, 2013.

REASONING AND CONCLUSIONS OF LAW:

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".

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that she made and properly documented her work searches for the week ending December 7, 2013. She also provided that information to the agency as soon as she received the request. Accordingly, the ineligibility determination is reversed. The claimant is eligible for benefits effective June 2, 2013.

DECISION:

The December 31, 2013, reference 03, decision is reversed. The claimant did not fail to report as directed. She has provided proper documentation of her work searches. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css