

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KELLY T CARR**  
Claimant

**APPEAL 17A-UI-04835-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/02/17  
Claimant: Appellant (4-R)**

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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:**

Kelly T. Carr (claimant) filed a timely appeal from the May 2, 2017, reference 02, unemployment insurance decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was held on May 24, 2017. The claimant participated. Department's Exhibit D1 is received.

**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 April 20, 2017, a notice was mailed to the claimant to be available for a call from IWD on May 1, 2017, at 8:20 a.m., regarding a work refusal she reported during her continued weekly claim for week ending April 15, 2017. She was not available at the time of the scheduled fact-finding interview and sent an email to claims on April 27, 2017. In her email, the claimant confirmed she had refused an offer of work and outlined the reasons for her refusal. She did not identify the employer nor the wage she was offered. On May 1, 2017, at 8:16 a.m., a workforce advisor contacted the claimant and asked for the name of the person who offered her the position and the name, address, and phone number of the company. At 2:46 p.m., that same afternoon, the claimant responded to the workforce advisor stating she did not want to provide the employer's information as it was an awkward situation. The claimant also stated she understood it might lead to a denial of benefits, although the claimant mistakenly believed it would only result in a denial of benefits for the week ending April 15, 2017.

On May 4, 2017, the claimant received the unemployment insurance decision denying her benefits effective April 30, 2017 due to her failure to report as directed and refusal to provide the required information. She contacted IWD for an explanation. She was told that she needed to file an appeal to the decision. On May 8, 2017, the claimant filed her appeal stating she would

be willing to provide the information about the employer. During the hearing, the claimant provided the additional information requested on May 1, 2017.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant failed to report without good reason for the one-week period ending May 6, 2017. Benefits are allowed effective May 7, 2017, provided she is otherwise eligible.

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.

The claimant failed to report as directed during the week beginning April 30, 2017, when she refused to provide information to IWD related to her claim for benefits. However, the following week she filed her appeal and agreed to comply with IWD's request. Therefore, benefits are denied for the one-week period ending May 6, 2017. Benefits are allowed effective May 7, 2017, provided the claimant is otherwise eligible.

**DECISION:**

The May 2, 2017, reference 02 unemployment insurance decision is modified in the claimant's favor. The claimant failed to report as directed and is not eligible for benefits for the one-week period ending May 6, 2017. Benefits are allowed effective May 7, 2016, provided she is otherwise eligible.

**REMAND:**

The issue of the claimant's reported refusal of work offered by State Farm Insurance Agent Jim Humphreys, whose address is 3025 Mt. Vernon Road, Suite C, in Cedar Rapids, Iowa, 52403, and phone number is 319-363-2085, during the week of April 9, 2017, is remanded to the Benefits Bureau for an initial investigation and determination.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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