

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JON M MCCUTCHEN
Claimant

APPEAL 18A-UI-04048-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 02/25/18
Claimant: Appellant (2)

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:

The claimant filed an appeal from the March 22, 2018, (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 scheduled to be held on April 25, 2018. Claimant participated. Official notice was taken of the administrative record with no objection.

ISSUE:

Did the claimant fail to report as directed or offer a good cause reason for failure to do so?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On March 12, 2018, a notice was mailed to the claimant to be available for a call from Iowa Workforce Development (IWD) on March 16, 2018 about whether he had refused an offer of work during the week-ending March 3, 2018. Claimant did not report because he did not receive the notice. Claimant received a voicemail on March 16, 2018 from IWD, but he did not listen to it. When claimant filed his weekly continued claim for the week-ending March 3, 2018, he mistakenly indicated that he had refused an offer of work. Claimant did not refuse an offer of work for the week-ending March 3, 2018. Around March 20, 2018, claimant called IWD because he had a concern about his unemployment insurance benefits. The IWD employee told claimant he had indicated he had refused a job offer for the week-ending March 3, 2018. Claimant told the IWD employee that he had not refused an offer of work. The IWD employee told claimant to fix his weekly continued claim. Claimant thought he had fixed his weekly continued claim.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the underlying issue was the result of a reporting error, and claimant has established a good cause reason for having failed to report as directed.

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".

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.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly in the individual's account at a financial institution or on a selected debit card.

(2) 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.

(3) 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.

Since claimant did not receive the notice, claimant has established a good cause reason for failing to report as directed, benefits are allowed. Furthermore, for the week-ending March 3, 2018, claimant had mistakenly indicated that he had refused an offer of work.

DECISION:

The March 22, 2018, (reference 01) unemployment insurance decision is reversed. Claimant has established a good cause reason for failing to report as directed. The underlying issue was the result of a reporting error. Benefits are allowed effective March 11, 2018, provided claimant is otherwise eligible.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs