

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MEBRAHTOM H HAGOS
Claimant

APPEAL 17A-UI-02336-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/01/17
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 February 20, 2017 (reference 03) unemployment insurance decision that denied benefits effective February 12, 2017, based upon a determination that claimant failed to report as directed. After due notice was issued, a telephone conference hearing was set for Friday, March 24, 2017. Claimant Mebrahtom H. Hagos participated. Assistance was provided by English/Tigrinia interpreter Yodit (ID #1003) from CTS Language Link.

ISSUES:

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 February 3, 2017, Iowa Workforce Development mailed claimant two letters of inquiry: one letter related to claimant's ability to and ability for work the week ending January 28, 2017; the other letter related to claimant reporting that he refused an offer of work for the week ending January 28, 2017. The agency does not have any response on file for either letter of inquiry. Claimant testified that he has not refused any offers of work, and he maintains that he is searching for work. Whenever claimant receives a letter from the agency, he takes the letter into the Ottumwa local office. Claimant does not understand English, and while there is not a Tigrinia interpreter available in Ottumwa, he finds the staff helpful and is usually able to successfully deal with whatever he has received from the agency. Claimant testified that on one occasion, no one had time to help him file his weekly claim so he had to file it himself, and he believes he may have made an error and reported that he refused an offer of work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the 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.

...

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.

Claimant's interactions with Iowa Workforce Development, including his ability to access and understand information related to his claim for benefits, are doubtlessly adversely affected by the language barrier between the agency and him. Claimant credibly testified that he contacted his local office each time he received something from the agency, and they assisted him in filing any necessary appeals or responses in order to preserve his claims. Claimant is encouraged to continue to learn about the unemployment insurance process and to request copies of any documents sent in on his behalf, so that he knows exactly what communications he has with the agency. Benefits are allowed.

DECISION:

The February 20, 2017 (reference 03) unemployment insurance decision is reversed. The claimant has established a good cause reason for failing to report as directed. Benefits are allowed effective February 12, 2017, provided he is otherwise eligible.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed