

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANTHONY L REZAC
Claimant

APPEAL 16A-UI-11612-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 08/28/16
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 October 18, 2016, (reference 03) 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 9, 2016. Claimant participated. Scott Hiltabidle testified on claimant's behalf. Official notice was taken of the administrative record of claimant's weekly continued claims, 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 heard the testimony and having examined the evidence in the record, the administrative law judge finds: A notice was mailed to claimant to report to Iowa Workforce Development (IWD) on October 12, 2016, regarding having reported that he received a pension for the week ending September 24, 2016. When claimant filed his weekly continued claim for the week ending September 24, 2016, he mistakenly indicated that he had received a pension. Claimant had not received a pension. Claimant has not ever received a pension.

Claimant did not report to IWD on October 12, 2016, because on October 11, 2016 he had a seizure and he was unable to attend the hearing on October 12, 2016. Claimant called IWD on October 12, 2016 and rescheduled the meeting for October 25, 2016. Claimant attended the meeting at IWD on October 25, 2016. The meeting was regarding claimant having mistakenly reported he received a pension for the week ending September 24, 2016. Claimant is actively seeking work and making at least two employer contacts per week.

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 § 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.

Since claimant suffered a seizure the day before he was to report to IWD, he has established a good cause reason for failing to report as directed. Claimant rescheduled the meeting and did report to IWD at the new date and time. Furthermore, the underlying issue was the result of a

reporting error (claimant mistakenly indicated he received a pension, but he has not received a pension). Benefits are allowed.

DECISION:

The October 18, 2016, (reference 03) 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 October 9, 2016, provided claimant is otherwise eligible.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs