

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JOHNATHON A CORDOVA**  
Claimant

**APPEAL 17A-UI-00963-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/11/16  
Claimant: Appellant (2)**

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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:**

The claimant filed an appeal from the January 17, 2017 (reference 04) unemployment insurance decision that denied benefits based upon a determination that claimant failed to report to the Department as directed. The parties were properly notified of the hearing. A telephone hearing was held on January 17, 2017. The claimant, Johnathon A. Cordova, participated. The administrative law judge took official notice of the administrative record.

**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 December 29, 2016, a notice was mailed to the claimant to report to IWD by January 9, 2017 about payments that he reported he received from a pension when he filed his weekly claim for the week ending December 24, 2016. He did not report because he did not receive the notice. The claimant filed his online claim for the weeks ending December 24 and 31, and for both weeks he mistakenly reported that he received payments from a pension. Claimant first learned about this issue when he received the fact-finding decision informing him that his benefits were denied due to his failure to report. Claimant believes his roommate's girlfriend may have accidentally thrown away the letter he received from the Department.

**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 the claimant has established a good cause reason for having failed to report as directed. Benefits are allowed.

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...

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 testified that he did not received the notice to report to the Department, he has established a good cause reason for failing to report as directed. Claimant regularly receives mail from the Department at his mailing address, and he has spoken with his roommate about the importance of preserving mail from the Department. Benefits are allowed.

**DECISION:**

The January 17, 2017, (reference 04) unemployment insurance decision is reversed. The 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 January 8, 2017, provided he is otherwise eligible.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed