

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEAN B BRADFORD
Claimant

APPEAL 16A-UI-09718-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 01/03/16
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work
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 August 29, 2016, (reference 01), unemployment insurance decision that denied benefits as of August 21, 2016, because of a failure to report as directed. After due notice was issued, a telephone conference hearing was scheduled to be held on September 23, 2016. Claimant participated. Julie Edwards was registered as a witness on claimant's behalf, but she did not answer when contacted at the number provided.

ISSUE:

Is the claimant able to and available for work?

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: Claimant used her adult daughter to file her claim for the week ending August 13, 2016. Claimant's daughter filed the claim online through the daughter's smartphone. When claimant's claim was filed, her daughter accidentally indicated that claimant was receiving a pension. Claimant received notice about an interview to take place on August 26, 2016 to discuss the report of her receiving a pension. Claimant first realized there was an issue with how she reported her claim when she got notice of the interview. Claimant missed the interview phone call on August 26, 2016.

Claimant did not receive any pension payments for the week ending August 13, 2016. Claimant is not and has not received any pension payments. Claimant was on a temporarily layoff, due to a lack of work, for the week ending August 13, 2016. Claimant went back to work, full-time, the following week. Claimant works full-time Monday through Thursday (four ten-hour days).

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, claimant is not receiving a pension, and she 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.

Claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that claimant did not receive a pension for the week ending August 13, 2016. Claimant further sufficiently demonstrated that when her claim was filed for the week ending August 13, 2016, it mistakenly indicated she was receiving a pension.

According to the administrative record, claimant has not filed a claim for benefits after the week ending August 13, 2016. Claimant was on a temporary layoff, due to a lack of work, for the week ending August 13, 2016. Claimant returned to work the following week. Therefore, claimant has established a good cause reason for failing to report as directed, benefits are allowed, provided she is otherwise eligible.

DECISION:

The August 29, 2016, (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 August 21, 2016, provided she is otherwise eligible.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/pjs