

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

ABRAHAM A ANAAL
Claimant

APPEAL NO: 12A-UI-11027-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/15/12
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available
871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

Abraham Anaal (claimant) appealed a representative's August 20, 2012 decision (reference 03) that concluded he had failed to respond to a call-in notice and was, therefore, not eligible to receive unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 4, 2012. The claimant participated personally.

ISSUE:

The issue is whether the claimant is able and available for work.

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 the claimant to report to IWD before August 16, 2012. The claimant did not report. He has been sick since August 12, 2012. His physician has restricted him from working until his next appointment in November 2012.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not able and available for work.

871 IAC 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 and the payment of benefits, provided the individual is otherwise eligible, shall be on a biweekly basis by mail if the claimant files a Form 60-0151.

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 financial institution's account 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.

871 IAC 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.

The claimant was directed to report to the Agency by August 16, 2012. The claimant did not report to the Agency because he was sick.

871 IAC 24.23(1) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(1) An individual who is ill and presently not able to perform work due to illness.

When an employee is ill and unable to perform work due to that illness, he is considered to be unavailable for work. The claimant is sick and is considered to be unavailable for work after August 12, 2012. The claimant is disqualified from receiving unemployment insurance benefits beginning August 12, due to his unavailability for work.

DECISION:

The representative's August 20, 2012 decision (reference 03) is affirmed. The claimant is not able and available for work. Benefits are denied effective August 12, 2012.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css