

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL L MARTZ
Claimant

APPEAL NO. 13A-UI-12184-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/30/12
Claimant: Appellant (1)**

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Michael Martz, filed an appeal from a decision dated October 25, 2013, reference 03. The decision found him ineligible from receiving unemployment benefits because he did not report as directed to his local Workforce Center. After due notice was issued, a hearing was held by telephone conference call on November 21, 2013. The claimant participated on his own behalf.

ISSUE:

The issue is whether the claimant failed to report as directed.

FINDINGS OF FACT:

He received the notice and knew the phone call would be made between 10:00 a.m. and 11:00 a.m. on the designated day.

He used a cell phone which did not ring and the workforce representative left a voice mail instructing him to call back by 11:00 a.m. Mr. Martz did not check his voice mail for several days and did not return the call as required.

REASONING AND CONCLUSIONS OF LAW:

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".

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.

The clamant failed to make himself available to receive the phone call from the Workforce representative on the day designated for the contact call. He did not return to call by the time period specified. Under the provisions of the above Administrative Code section he is not considered able and available for the one-week period ending October 26, 2013.

DECISION:

The representative's decision of October 25, 2013, reference 03, is affirmed. Michael Martz is not eligible for benefits for the one-week period ending October 26, 2013.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css