

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LINDA MUELLER
Claimant

APPEAL 17A-UI-10063-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/09/17
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/appellant filed an appeal from the September 29, 2017 (reference 02) unemployment insurance decision that denied benefits effective September 24, 2017 because claimant failed to report as directed. After due notice was issued, a telephone hearing was held on October 18, 2017. Claimant participated. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records including the fact-finding documents.

ISSUES:

Did the claimant fail to report as directed or have good cause for doing so?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds:

The claimant reported she was not able to and available for work the week ending September 16, 2017 when filing her weekly-continued claim for benefits. She reported this incorrectly, as she was able to and available for work. This was simply a reporting error.

A notice was mailed to the claimant to be available for a call from Iowa Workforce Development (IWD) on September 28, 2017. The claimant did not receive this notice to report.

She did not answer the telephone call for the fact-finding interview because she did not have her telephone with her at the time. The claimant did call IWD back as soon as she received the voicemail message to resolve the underlying issue.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has established a good cause reason for having failed to report as directed and benefits are allowed effective September 24, 2017, provided she is otherwise eligible.

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.

The claimant did not receive the notice of fact-finding interview. This is a good cause reason for her failure to report as directed. The claimant made a reporting error when she filed her weekly claim for benefits indicating she was not able to and available for work. The claimant was able to and available for work and benefits are allowed effective September 24, 2017, provided she is otherwise eligible.

DECISION:

The September 29, 2017 (reference 02) unemployment insurance decision is reversed. The claimant has established a good cause reason for failing to report as directed and benefits are allowed effective September 24, 2017, provided she is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/scn