

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARTY R SCHOOLEY
Claimant

APPEAL 17A-UI-10955-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/09/17
Claimant: Appellant (2R)**

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 a timely appeal from the October 23, 2017, (reference 09) decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was set for November 15, 2017. Claimant participated. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

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: As a result of the September 22, 2017 hearing with Administrative Law Judge, Stephanie Callahan, the issue of separation from employment on August 12, 2017 was remanded to the Benefits Bureau for an initial investigation (See Appeal 17A-UI-09011-SC-T). On September 27, 2017, a notice was mailed to the claimant to report to IWD by October 3, 2017 to provide information about his employer that he separated from on August 12, 2017. He did not report because he did not receive the notice.

The claimant performed work for one day for Mid-America Trencher, located at 375 State Street in Dexter, Iowa. Separation ensued on August 12, 2017. The claimant reported earned wages for this employer to Iowa Workforce Development. The issue of separation with Mid-America Trencher has not been determined at the claims level. The claimant is currently employed and requested any future fact-finding interviews be conducted on Friday afternoons, if at all possible, to allow him to participate.

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.

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".

Iowa Admin. Code r. 871-24.2(1)e provides:

Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

(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.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly in the individual's account at a financial institution or on a selected debit card.

(2) In order for an individual to receive payment by direct deposit, the individual must provide the financial institution selected by the department with the appropriate bank routing code number and a checking or savings account number.

(3) 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.

Since he did not receive the notice, claimant has established a good-cause reason for failing to report as directed, benefits are allowed, provided he is otherwise eligible.

REMAND: The claimant's August 12, 2017 separation with Mid-America Trencher is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The October 23, 2017, (reference 09) 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 August 13, 2017, provided he is otherwise eligible. **REMAND:** The claimant's August 12, 2017 separation with Mid-America Trencher is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs