

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DIANNA LOGAN
Claimant

APPEAL 19A-UI-08310-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/02/19
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 October 18, 2019 (reference 01) unemployment insurance decision that denied benefits because due to claimant failing to report as directed. After due notice was issued, a telephone hearing was held on November 13, 2019. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUES:

Is the claimant able to work and available for work effective October 13, 2019?
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: Claimant received a notice that was mailed to her to register for work on or before October 9, 2019. Claimant attempted to register for work online by following the instructions on the letter. Claimant then called the telephone number listed on the letter to confirm that same day that she registered online correctly. The Iowa Workforce Development ("IWD") representative told her on the telephone that she did register for work correctly.

On October 18, 2019, an unemployment insurance decision was issued which found that the claimant failed to report by registering for work. Benefits were denied effective October 13, 2019. Claimant telephoned the IWD Creston office to inquire why her benefits were denied and she was told that she needed to register for work in Missouri. Claimant went to the office in Missouri and registered for work on October 23, 2019. An unemployment insurance decision dated October 25, 2019 (ref 02) was issued which found that the claimant reported as directed and benefits were allowed as of October 20, 2019. Claimant was able to and available for work the week-ending October 19, 2019. She made appropriate job searches that week and did not earn any wages, holiday pay, vacation pay or pension pay.

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 because she believed that she had appropriately registered for work online and was told that she had properly completed the process. Benefits are allowed, 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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 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.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly on a debit card specified by the department.

(2) 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 established a good cause reason for her failure to properly register for work. She believed that she properly registered online by following the instructions in the letter she received. Further, claimant was told by an IWD representative that she had properly registered for work. As such, benefits are allowed effective October 13, 2019, provided claimant is otherwise eligible.

DECISION:

The October 18, 2019 (reference 01) decision is reversed. The claimant has established a good cause reason for failing to report as directed. Benefits are allowed effective October 13, 2019, provided the claimant is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/scn