

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER L LAUNDERVILLE
Claimant

APPEAL NO: 14A-UI-10626-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/27/14
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available
871 IAC 24.2(1)E and 24.11 – Failure to Report as Directed

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 30, 2014, reference 03, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on November 3, 2014. The claimant participated in the hearing.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was mailed a notice to report to Iowa Workforce Development by September 21, 2014. She failed to contact the Department by that date and was subsequently determined to be ineligible for benefits effective the week ending September 27, 2014.

The claimant moved September 1, 2014 and notified the post office but not the Department. She called the Department when her benefits stopped in early October 2014 and was told the representative would take care of that issue but she still needed to appeal.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work with regard to this reference 03 decision.

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 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 claimant did not receive the letter directing her to report to the Department because she moved September 1, 2014. She did contact the Department the first week of October 2014. Accordingly, benefits are allowed effective the week ending September 27, 2014, provided the claimant is otherwise eligible.

While the claimant is eligible on this issue, she has been denied benefits due to her separation from employment with Wal-Mart. That decision, dated October 30, 2014 (reference 05), denied benefits to the claimant effective August 30, 2014.

DECISION:

The September 30, 2014, reference 03, decision is reversed. The claimant is able to work and available for work effective the week ending September 27, 2014. Benefits are allowed, provided the claimant is otherwise eligible. At this time, however, the claimant is not otherwise eligible due to her separation from Wal-Mart.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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