

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JUSTIN L KNIGHT
Claimant

APPEAL 17A-UI-04091-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/08/17
Claimant: Appellant (4)**

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:

Justin L. Knight (claimant) filed a timely appeal from the April 7, 2017, reference 03, unemployment insurance decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was set for May 8, 2017. The claimant participated.

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: The claimant reported he was not able to or available for work when filing his weekly continued claims for week ending March 25, 2017. He reported this in error as he accidentally selected the wrong option when reporting. The claimant had been in contact with his union hall and remained able to and available for work.

On March 28, 2017, a notice was mailed to the claimant to be available for a call from Iowa Workforce Development (IWD) on April 6, 2017. The claimant received the notice from IWD, but did not open it. He was not available at the time of the fact-finding interview. The claimant did not call IWD that week to resolve the underlying issue. The following week, the claimant received the decisions denying him benefits and finding him overpaid. He reported to IWD to file an appeal in an attempt to resolve the underlying issues.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has not established a good cause reason for having failed to report as directed effective April 2, 2017 and benefits are denied through April 8, 2017. However, the claimant reported to the agency the following week to resolve the underlying issue. Benefits are allowed effective April 9, 2017, provided he 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 received the notice of fact-finding, but did not open the mail. He also did not answer when contacted by the IWD representative. The claimant did not seek to resolve the underlying issue during the week of April 2, 2017. Benefits are denied for the one-week period ending April 8, 2017, due to a failure to report as directed.

An individual's availability for work is determined on a week-by-week basis. The claimant did not report as directed for the week of April 2, 2017. However, the following week, he did report to IWD in an effort to resolve the issues. Therefore, the claimant is available for work and benefits are allowed effective April 9, 2017, provided he is otherwise eligible.

DECISION:

The April 7, 2017, reference 03, unemployment insurance decision is modified in the claimant's favor. The claimant has not established a good cause reason for failing to report as directed the week of April 2, 2017 and benefits are denied for the one-week period ending April 8, 2017. The claimant reported to IWD the following week to resolve the issues and benefits are allowed effective April 9, 2017, provided he is otherwise eligible.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/rvs