

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL W VOGELZANG
Claimant

APPEAL NO. 11A-UI-07012-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/18/10
Claimant: Appellant (1)

871 IAC 24.2(1)e – Failure to Report as Directed

STATEMENT OF THE CASE:

Claimant filed a timely appeal from representative's decision dated May 23, 2011, reference 03, that denied unemployment insurance benefits effective May 21, 2011 upon a finding that the claimant failed to meet the availability requirements of the law by failing to report as directed. After due notice was issued, a telephone hearing was held June 14, 2011. The claimant participated personally.

ISSUE:

The issue is whether the claimant failed to report as directed.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Michael Vogelzang opened an unemployment insurance claim with an effective date of July 18, 2010 and was issued the customary informational brochure which explains the unemployment compensation systems and its requirements. On May 4, 2011 the claimant was sent notice directing him to report to the Atlantic field office on May 19, 2011 for a three and one-half hour employment workshop. Mr. Vogelzang received the notice but did not report as his car was being repaired and he did not have transportation. The claimant did not contact the area Claims Center to reschedule his reporting time or date and has not revisited the area Claims Center to establish his availability.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that the claimant meets the availability requirements of the law. It does not.

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".

871 IAC 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.

In this matter the evidence shows that the claimant received the notice to report to the area Claims Center but failed to do so. The claimant did not have adequate transportation to report. The claimant did not attempt to reschedule his appointment nor has the claimant contacted the area Claims Center since failing to report as directed. Benefits are denied as of May 21, 2011 until the claimant reports and meets the availability requirements of the law.

DECISION:

The representative's decision dated May 23, 2011, reference 03, is affirmed. The claimant failed to report as directed. The claimant has not met the availability requirements of the law. Benefits are denied as of May 21, 2011.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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