

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KARAM T JASSIM
Claimant

APPEAL 18A-UI-02367-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 11/19/17
Claimant: Appellant (1)**

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 February 14, 2018, (reference 04) unemployment insurance decision that denied benefits because he had not reported proof that he is a citizen or is legally authorized to work in the United States until the week of February 4, 2018. After due notice was issued, a telephone conference hearing was set for March 19, 2018. Claimant participated.

ISSUES:

Is the claimant able to work and available for work?
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: A notice was mailed to the claimant to provide proof that he is a citizen or is legally authorized to work in the United States. He did so the week of February 4, 2018, and the matter was resolved administratively prior to the appeal hearing.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was not able to work the week-ending February 3, 2018, but is effective February 4, 2018.

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:

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.

...

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 was not able to work the week-ending February 3, 2018, but since he provided proof to IWD during the week of February 4, 2018, that he is able to work in the United States benefits are allowed, provided he is otherwise eligible.

DECISION:

The February 14, 2018, (reference 04) unemployment insurance decision is affirmed. The claimant did report as directed effective the week of February 4, 2018. Benefits are allowed from that point forward, provided he is otherwise eligible. He was not able to work the week-ending February 3, 2018.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs