

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHELLE A MINNIHAN
Claimant

APPEAL 19A-UI-01165-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 10/28/18
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 filed a timely appeal from the February 5, 2019, (reference 02) 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 February 26, 2019. Based on the contents of the appeal letter and a review of the administrative record, no testimony was necessary and no hearing was held.

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: On January 17, 2019, a notice was mailed to the claimant to be available for a call from IWD on January 29, 2019, at 2:40 p.m. about her report that she refused an offer of work during the one week ending January 12, 2019. The claimant received the notice, but the fact finder did not call claimant at the scheduled time. Instead, the fact finder called claimant on January 29 and left her a voice mail at 10:30 a.m. Claimant returned the call with a voice mail by 11:00 a.m. the same day, but nevertheless, a decision was entered finding claimant failed to report as directed. The claimant filed a weekly claim and mistakenly indicated she refused an offer of work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the underlying issue was the result of a reporting error, and the claimant has established she reported as directed.

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.

(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 did report as directed. The underlying issue was the result of a reporting error.

DECISION:

The February 5, 2019, (reference 02) unemployment insurance decision is reversed. The claimant has established she reported as directed. The underlying issue was the result of a reporting error. Benefits are allowed effective January 27, 2019, provided she is otherwise eligible.

Christine A. Louis
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Decision Dated and Mailed

cal/rvs