

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JODI JAMINET
Claimant

APPEAL 17A-UI-11953-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 08/27/17
Claimant: Appellant (2R)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
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 an appeal from the November 13, 2017, (reference 03) unemployment insurance decision that denied benefits based on her failure to report as directed. After due notice was issued, a telephone conference hearing was held on December 13, 2017. Claimant participated.

ISSUE:

Did the claimant fail to report to Iowa Workforce Development (IWD) as directed?

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 be available for a call from IWD regarding whether she refused an offer of work during the week ending October 28, 2017. The claimant received the notification for the fact-finding interview but mistakenly wrote down the interview date as November 10, 2017, when the interview was actually scheduled for November 9, 2017. When claimant did not receive a call from the fact-finder on November 10, 2017, she attempted to call the number on the notice, but got a message that the office was closed in observance of Veteran's Day.

Claimant testified she did not receive a call or voicemail the prior day, November 9, either. The claimant's current correct telephone number is (712) 204-2496. The issue as to whether the claimant refused a suitable offer of work has not yet been resolved by the unemployment insurance service center.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has established a good cause reason for having failed to report as directed.

Iowa Admin. Code r. 871-24.2(1)e provides:

Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

(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 in the individual's account at a financial institution or on a selected debit card.

(2) In order for an individual to receive payment by direct deposit, the individual must provide the financial institution selected by the department with the appropriate bank routing code number and a checking or savings account number.

(3) 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 did not receive a call from the fact-finding interviewer at the time of the scheduled interview and when she attempted to call the following day, the IWD offices were closed. That is a good-cause reason for a failure to report as directed. Benefits are allowed, provided the claimant is otherwise eligible. The issue of whether claimant refused a suitable offer of work as delineated in the findings of facts is remanded to the unemployment insurance service center for an initial investigation and determination.

DECISION:

The November 13, 2017, (reference 03) decision is reversed. The claimant has established a good cause reason for failing to report as directed. Benefits are allowed, provided the claimant is otherwise eligible.

REMAND:

The issue as to whether the claimant refused a suitable offer of work is remanded to the unemployment insurance service center for an initial review and determination.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs