

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN G COSTELLO
Claimant

APPEAL NO. 19A-UI-08188-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/28/19
Claimant: Appellant (4)**

871 IAC 24.2(1)e - Failure to Report
Iowa Code § 96.4-3 - Able and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 18, 2019, (reference 02), which denied benefits as of October 13, 2019, due to the claimant's failure to report as directed. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on November 7, 2019, before Administrative Law Judge Julie Elder. The claimant participated in the hearing.

ISSUE:

The issue is whether the claimant failed to report as directed and does not meet the availability requirements of the law.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time regional marketing manager for Pella Corporation from June 25, 2018 through September 7, 2018.

On September 27, 2019, the Department sent the claimant a notice to report and instructed him to register on the website by October 9, 2019. The claimant failed to do so by October 9, 2019, and benefits were denied effective October 13, 2019. The claimant has since registered on the website.

REASONING AND CONCLUSIONS OF LAW:

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

A claimant will be disqualified as unavailable for work if he fails to report as directed to Iowa Workforce Development in response to the notice that was mailed to him. See 871 IAC 24.23(11).

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.

871 IAC 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 and the payment of benefits, provided the individual is otherwise eligible, shall be on a biweekly basis by mail if the claimant files a Form 60-0151.

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 financial institution's account 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.

The claimant received the Notice to Report but failed to follow its directions prior to the date listed in the letter of October 9, 2019. Therefore, the claimant is disqualified from receiving benefits from October 13, 2019 through November 2, 2019. The claimant has since registered on the website.

DECISION:

The unemployment insurance decision dated October 18, 2019, (reference 02), is modified in favor of the appellant. The claimant did fail to report as directed but has since registered on the website as directed. Benefits are allowed effective the week ending November 2, 2019, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn