

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

NAZRIO M AMPO
Claimant

APPEAL 15A-UI-08784-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/28/15
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 28, 2015, reference 01, decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was scheduled to be held on August 27, 2015. A review of the claimant's appeal letter was sufficient to resolve the issue and no formal hearing was held. The claimant was called by the administrative law judge at the time of the hearing using CTS Language Link Service and interpreter #5019, Perlita, to communicate with the claimant who speaks very little English. Claimant participated.

ISSUE:

The issue is whether failed 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: When making his claim for benefits during the week ending July 4, 2015 the claimant inadvertently indicated that he had refused an offer of work that week. The claimant was merely on a holiday shut down and did not understand the question due to his limited ability to speak English. The letter sent to the claimant was also in English and the claimant did not understand it. The claimant did not fail to report as he did not understand what was being asked of him. He was able to and available for work during the week ending July 4, 2015. The claimant filed a weekly voice response claim and mistakenly pushed the button indicating he was not available for work.

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 Code § 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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 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 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.

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.

Since claimant has established a good-cause reason for failing to report as directed, benefits are allowed. The claimant did not turn down an offer of work and he was able to and available each week benefits were claimed.

DECISION:

The July 28, 2015, reference 01, decision is reversed. The claimant has established a good-cause reason for failing to report as directed. Benefits are allowed effective June 28, 2015, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css