

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

KELSIE N INMAN
Claimant

APPEAL NO: 19A-UI-00879-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/23/18
Claimant: Appellant (4)

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 an appeal from the January 30, 2019, (reference 07) unemployment insurance decision that denied benefits because of a failure to report as directed. The claimant was properly notified about the hearing. A telephone hearing was held on February 14, 2019. The claimant participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant fail to report as directed or offer a good cause reason for failure to do so?

FINDINGS OF FACT:

Having reviewed all of 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 a reported work refusal for the week ending January 12, 2019. She did not report because she was running errands and had turned her phone on silent mode. Approximately one hour after the scheduled call, the claimant attempted to contact IWD and was unable to participate.

The claimant filed a weekly continued claim online and mistakenly pushed the button indicating she had refused 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 not established a good cause reason for having failed to report as directed.

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

In this case, the reason the claimant missed the scheduled fact-finding interview was because she was busy and had turned off the volume of her cell phone, causing her to miss the call. Had she participated, she would have explained the underlying issue of whether she refused an offer of work was due to a reporting error. The administrative law judge is sympathetic to the claimant but concludes the claimant has not established a good cause reason for failing to report as directed. Benefits are denied January 27, 2019 through February 2, 2019. The claimant is allowed benefits beginning February 3, 2019, provided she meets all other requirements.

DECISION:

The January 30, 2019, (reference 07) unemployment insurance decision is modified in favor of the claimant. The claimant has not established a good cause reason for failing to report as directed. The underlying issue was the result of a reporting error. Benefits are denied effective January 27, 2019, through February 2, 2019. Benefits are then allowed effective February 3, 2019, provided she is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn