

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CONNIE J KASTLER
Claimant

APPEAL 15A-UI-12127-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/06/15
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 27, 2015, (reference 02), unemployment insurance decision that denied benefits due to claimant's failure to report as directed. After due notice was issued, a telephone conference hearing was scheduled to be held on November 10, 2015. The claimant called the morning of the hearing and requested a continuance as she had to take a family member to the doctor. The case was continued until November 13, 2015 at which time a hearing was held. Claimant participated.

ISSUE:

Did the claimant fail to report as directed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant provided two contradictory answers to her weekly continuing claims for unemployment insurance benefits. (The claimant has not been paid any benefits as her claim is locked based on her separation from employment from her last employer.) Because the claimant provided the conflicting answers, on October 3, 2015 the agency mailed her a letter asking for additional information. The claimant received the letter which asked her to provide a written response by October 19. She did not respond to the letter. When the claimant has not responded to the agency's inquiry letter the representative issued a decision on October 27, 2015, reference 02 finding the claimant has failed to report as directed and benefits were denied as of October 18, 2015. No fact-finding interview was ever held on the claimant's failure to report as directed.

REASONING AND CONCLUSIONS OF LAW:

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.

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. 871-24.6 provides:

Profiling for reemployment services.

(1) The department of workforce development and the department of economic development will jointly provide a program which consists of profiling claimants and providing reemployment services.

(2) Profiling is a systematic procedure used to identify claimants who, because of certain characteristics, are determined to be permanently separated and most likely to exhaust benefits. Such claimants may be referred to reemployment services.

(3) Reemployment services may include, but are not limited to, the following:

- a. An assessment of the claimant's aptitude, work history and interest.
- b. Employment counseling regarding reemployment approaches and plans.
- c. Job search assistance and job placement services.
- d. Labor market information.
- e. Job search workshops or job clubs and referrals to employers.
- f. Résumé preparation.
- g. Other similar services.

(4) As part of the initial intake procedure, each claimant shall be required to provide the information necessary for profiling and evaluation of the likelihood of needing reemployment assistance.

(5) The referral of a claimant and the provision of reemployment services is subject to the availability of funding and limitations of the size of the classes.

(6) A claimant shall participate in reemployment services when referred by the department unless the claimant establishes justifiable cause for failure to participate or the claimant has previously completed such training or services. Failure by the claimant to participate without justifiable cause shall disqualify the claimant from the receipt of benefits until the claimant participates in the reemployment services.

a. Justifiable cause for failure to participate is an important and significant reason which a reasonable person would consider adequate justification in view of the paramount importance of reemployment to the claimant.

b. Reserved.

This rule is intended to implement Iowa Code § 96.4(7).

The claimant received the letter but lost it and did not respond to it prior to the deadline. She has not established good cause for her failure to report as directed to do so. Benefits are denied.

DECISION:

The October 27, 2015, reference 02, decision is affirmed. The claimant has failed to report as directed. Benefits are denied effective October 27, 2015.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css