

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHAD R WEBB
Claimant

APPEAL NO. 08A-UI-09635-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/14/08 R: 12
Claimant: Appellant (2)

Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

Chad Webb filed an appeal from a representative's decision dated October 17, 2008, reference 02, which denied benefits effective October 12, 2008 finding the claimant did not report as directed. A hearing was held by telephone conference call on November 4, 2008. Mr. Webb participated personally. Exhibits D-1 and D-2 were received into evidence.

ISSUE:

At issue in this matter is whether the claimant is able and available and complied with reporting instructions.

FINDINGS OF FACT:

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: Mr. Webb opened a claim for unemployment insurance benefits on September 14, 2008 and was issued the customary informational pamphlet explaining the unemployment compensation system and its requirements. On October 2, 2008 the claimant was mailed a notice to return a request for medical report by October 12, 2008 and provided a mail and facsimile address. (See Exhibit D-1). Mr. Webb contacted his medical practitioner specifically requesting that the form be completed and returned by the medical office by its due date. Because October 12 was a Sunday it was agreed that the report would be facsimiled immediately on Monday, October 13, 2008. Mr. Webb verified subsequently that the doctor's office had in fact facsimiled the document to Iowa Workforce Development and it was the medical office's belief that the facsimile had been successfully completed. Mr. Webb informed Iowa Workforce Development that it was his reasonable belief that the report had been faxed by his doctor's office as he had instructed and verified by the medical office as having been completed.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Mr. Webb was able and available for work and complied with the reporting requirements. It does.

The evidence in the record establishes that Mr. Webb received the notice to supply medical information and acted reasonably by immediately contacting his doctor and specifically requesting that the medical information be facsimiled to Iowa Workforce Development by the due date, or the next working day if the due date fell on a Sunday. It is Mr. Webb's reasonable belief that the medical office complied. The claimant personally visited with the medical office personnel to insure that the report had in fact been facsimiled and verified that it had.

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 department retains the ultimate authority to choose the method of reporting and payment.

For the reasons stated herein the administrative law judge concludes the claimant to the best of his ability complied with reporting requirements of Iowa law and the claimant was reasonable in his belief that the doctor's office had complied because the claimant had personally visited the office and the office had verified to Mr. Webb that the report had been successfully transmitted by a facsimile by the agreed upon date.

DECISION:

The representative's decision dated October 17, 2008, reference 02, is reversed. The claimant has met the availability requirements of the law. Benefits are allowed as of October 12, 2008, providing the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

css/css