

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NANCY A LEHMAN
Claimant

APPEAL 17A-UI-05659-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/15/17
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the May 22, 2017, (reference 04) decision that denied benefits effective May 7, 2017. After due notice was issued, a hearing was held by telephone conference call on June 15, 2017. Claimant participated. Claimant's Exhibit A was received.

ISSUE:

Is the claimant able to and available for work?
Did the claimant fail 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: For the week ending April 29, 2017 when making her weekly claim for benefits, the claimant inadvertently indicated that she had refused an offer of work. On May 4, 2017 claimant was mailed a notice that a fact-finding interview would be held on May 10 to inquire about whether the claimant refused a job offer. The claimant was scheduled to work so submitted a letter instead of participating personally in the fact-finding interview. Unfortunately, the claimant did not make it clear in her letter that she had not refused a job offer, but had inadvertently made an incorrect response when filing her weekly continuing claim.

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 section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 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 section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 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 account at a financial institution 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.

The claimant was working and could not attend the fact-finding interview. She submitted a written letter in lieu of telephone participation. The claimant merely made a mistake when entering her weekly continuing claim for the week ending April 29, 2017. She did not fail to report as directed and she was able to and available for work. The claimant did not refuse a suitable offer of work. Benefits are allowed provided the claimant is otherwise eligible.

DECISION:

The May 22, 2017, (reference 04) decision is reversed. The claimant did report as directed. Benefits are allowed effective May 7, 2017, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs