

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LARS BROWNLIE**  
Claimant

**APPEAL NO. 15A-UI-06889-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/01/15  
Claimant: Appellant (2)**

Iowa Code Section 96.4(3) – Able & Available  
871 IAC 24.2(1)(e) – Failure to Report as Directed

**STATEMENT OF THE CASE:**

Lars Brownlie filed a timely appeal from the May 4, 2015, reference 03, decision that denied benefits effective April 26, 2015, based on an Agency conclusion that he had failed to report as directed and, therefore, did not meet the availability requirement. After due notice was issued, a hearing was held on June 16, 2015. Mr. Brownlie participated. The hearing in this matter was consolidated with the hearing in Appeal Numbers 15A-UI-05486-JTT and 15A-UI-05487-JTT. Mr. Brownlie waived formal notice regarding 15A-UI-06889-JTT. Exhibit A and Department Exhibits D-1, D-2 and D-3 were received into evidence.

**ISSUE:**

Whether Mr. Brownlie failed to report as directed. He did not.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Lars Brownlie established a claim for benefits that was effective March 1, 2015. Workforce Development categorized Mr. Brownlie as a group 6 claimant, someone who relies upon networking and resumes to search for work and/or someone who resides a substantial distance prospective work. Mr. Brownlie received benefits for the eight weeks between March 1, 2015 and April 25, 2015. The benefits disbursed to Mr. Brownlie included \$416.00 in benefits for the week that ended April 11, 2015. On April 4, 2015, Mr. Brownlie traveled with his wife to Wichita, Kansas to care for their grandchildren while the children's parents were away. Mr. Brownlie was mindful of his work search when he traveled to Kansas. Mr. Brownlie had an express agreement with his family that if suitable work became available in Iowa, he would immediately return to Iowa. During the week that ended April 11, 2015, while Mr. Brownlie was in Kansas, he submitted resumes to two prospective employers. Mr. Brownlie arrived back home in Iowa on April 13, 2015.

On April 15, 2015, Iowa Workforce Development mailed an Unemployment Insurance Letter of Inquiry to Mr. Brownlie regarding his availability for work during the week that ended April 11,

2015. On April 18, 2015, Mr. Brownlie mailed the letter back with the requested information. Mr. Brownlie indicated that he would be available for a telephone interview. Mr. Brownlie explained his trip to Kansas. Mr. Brownlie also discussed his absence from an April 13, 2015 reemployment services meeting. Mr. Brownlie rescheduled the RES meeting to April 20, 2015 and participated in the meeting on that day. Mr. Brownlie also made himself available for a fact-finding interview on May 1, 2015.

#### **REASONING AND CONCLUSIONS OF LAW:**

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. 871-24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

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. 871 IAC 24.2(1)(e). 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. 871 IAC 24.23(11).

The evidence fails to establish that Mr. Brownlie failed to report as directed. Mr. Brownlie responded promptly on the April 15, 2015 Unemployment Insurance Letter of Inquiry. Mr. Brownlie promptly rescheduled the April 13, 2015 RES meeting to April 20, 2015. Mr. Brownlie participated in the May 1, 2015 fact-finding interview.

**DECISION:**

The May 4, 2015, reference 03, decision is reversed. The claimant did not fail to report as directed. The claimant is eligible for benefits effective April 26, 2015 provided he is otherwise eligible.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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