

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**MALARIE CONWAY**  
Claimant

**APPEAL 17A-UI-06099-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/05/17  
Claimant: Appellant (2)**

---

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.2(1)e - Failure to Report

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the June 7, 2017, (reference 07) decision that denied benefits effective June 4, 2017. After due notice was issued, a hearing was held by telephone conference call on June 29, 2017. Claimant participated.

**ISSUE:**

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: On May 26, 2017 a notification was sent to the claimant telling her she would be called for a fact-finding interview on June 6, 2017 at 1:15 p.m. The claimant received the notification and was waiting for the fact-finders call on June 6. The fact-finder did not call the claimant for the interview. The claimant simply was not allowed to participate as the fact-finder did not call her.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant has established she did not fail 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 waiting for the fact-finders call but did not receive it. Under these circumstances that administrative law judge concludes that the claimant did not fail to report as directed. Thus, benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The June 7, 2017, (reference 07) decision is reversed. The claimant has established she did not fail to report as directed. Benefits are allowed effective June 4, 2017, provided the claimant is otherwise eligible.

---

Teresa K. Hillary  
Administrative Law Judge

---

Decision Dated and Mailed

tkh/scn