

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CARL R KIOUS**  
Claimant

**APPEAL 20A-UI-01014-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/05/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.4(3) - Able and Available  
Iowa Admin. Code r. 871-24.2(1)e – Notice to Report  
Iowa Admin. Code r. 871-24.23(11) – Failure to Report

**STATEMENT OF THE CASE:**

On February 4, 2020, Carl R. Kious (claimant) filed an appeal from the January 30, 2020, reference 05, unemployment insurance decision that denied benefits effective January 26, 2020 because of a failure to report as directed. After due notice was issued, a telephone hearing was held on February 17, 2020 and consolidated with the hearings for appeals 20A-UI-00937-SC-T and 20A-UI-01013-SC-T. The claimant participated personally. J's Custom Works, LLC (employer) participated through Jeremiah Schacherer, CEO. The Employer's Exhibit 1 was admitted into the record.

**ISSUE:**

Did the claimant fail to report as directed or offer a good cause reason for failure to do so?

**FINDINGS OF FACT:**

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: A notice was mailed to the claimant to be available for a call from Iowa Workforce Development (IWD) about his availability for work the week ending January 11, 2020. He did not report because he did not receive the notice.

**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, in relevant part:

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.

....

(2) 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.

Since he did not receive the notice, the claimant has established a good cause reason for failing to report as directed. Benefits are allowed effective January 26, 2020, provided he is otherwise eligible.

**DECISION:**

The January 30, 2020, reference 05, unemployment insurance decision is reversed. The claimant has established a good cause reason for failing to report as directed. Benefits are allowed effective January 26, 2020, provided he is otherwise eligible.



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Stephanie R. Callahan  
Administrative Law Judge

February 26, 2020  
Decision Dated and Mailed