

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEMONTAE J CLARK
Claimant

APPEAL 18A-UI-11872-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 09/09/18
Claimant: Appellant (4)**

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:

The claimant filed a timely appeal from the December 6, 2018, (reference 07) unemployment insurance decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was set for December 26, 2018. Claimant participated.

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: On November 26, 2018, a notice was mailed to the claimant to be available for a call from IWD on November 30, 2018, at 10:55 a.m. about his availability for work the week ending November 17, 2018. The claimant received the notice. He did not receive the phone call because his phone was not in service. However, the voice message left by the workforce representative was sent to claimant's email so he was able to listen to it. Claimant did not borrow a friend's phone to call the agency, visit the agency in person, or contact the agency by mail to clear up the matter. Claimant contacted the agency on December 14, 2018, after his phone was turned back on. At that time he was instructed to participate in the appeal process.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the underlying issue was the result of a reporting error, and the claimant has not established a good cause reason for having failed to report as directed.

Iowa Code section 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.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly on a debit card specified by the department.

(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 receive the notice, but made no effort to respond to the notice until he called the agency on December 14, 2018, benefits are denied from November 24, 2018, through December 14, 2018.

DECISION:

The December 6, 2018, (reference 07) unemployment insurance decision is modified in favor of appellant. The claimant has not established a good cause reason for failing to report as directed. Benefits are denied from November 24, 2018, through December 14, 2018.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/rvs