

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRANDI L STEVENS
Claimant

APPEAL 18A-UI-11684-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/31/17
Claimant: Appellant (1R)**

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/appellant filed an appeal from the November 29, 2018 (reference 01) unemployment insurance decision that denied benefits effective November 25, 2018 because claimant failed to report as directed. After due notice was issued, a telephone hearing was held on December 18, 2018. Claimant participated. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records including the fact-finding documents.

ISSUE:

Did the claimant fail to report as directed or have good cause for doing so?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds:

For the week-ending November 10, 2018, the claimant reported that she left work when filing her weekly-continued claim for the benefits. This was because she had returned to work for Customer Contact Solutions for a two-week period of time and that was the last week she worked for that employer again.

A notice was mailed to the claimant to be available for a call from Iowa Workforce Development (IWD) on November 28, 2018 at 8:25 a.m. for a fact-finding interview regarding the information she provided when filing her weekly-continued claim for benefits. The claimant did receive the notice to participate in the fact-finding interview prior to the interview date but she did not answer the telephone call because her phone was on a silent setting. Claimant did not contact IWD about this issue until she filed her appeal on December 3, 2018. In her appeal she does not identify any information about her separation from this employer during the week-ending November 10, 2018.

There has been no initial investigation and determination regarding claimant's separation from this employer that occurred during the week-ending November 10, 2018. The separation from employment issue will be remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination, with notice and opportunity to be heard provided to both the claimant and Customer Contact Solutions.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has not established a good cause reason for having failed to report as directed and benefits are denied effective November 25, 2018 and continuing until the separation issue listed above is resolved.

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:

Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

(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.

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 received the notice of fact-finding interview prior to the interview date. Claimant did not answer the telephone call when contacted by the IWD representative for the fact-finding interview. The claimant did not establish a good cause reason for her failure to participate in the interview. The claimant did not seek to resolve the underlying issue until filing an appeal on December 3, 2018 and at that time, did not list specific details regarding her separation from employment during the week-ending November 10, 2018. Benefits are denied effective November 25, 2018 due to her failure to report as directed.

DECISION:

The November 29, 2018 (reference 01) unemployment insurance decision is affirmed. The claimant has not established a good cause reason for failing to report as directed. Benefits are denied effective November 25, 2018 and continuing until the issue identified in the remand is resolved.

REMAND:

There has been no initial investigation and determination regarding claimant's separation from Customer Contact Solutions during the week-ending November 10, 2018. The separation from employment issue will be remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination, with notice and opportunity to be heard provided to both the claimant and Customer Contact Solutions. Claimant's group code shall also be reviewed at that time to determine whether she is properly placed in Group "3".

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs