

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESSIE L HAMILTON**  
Claimant

**APPEAL NO. 10A-UI-07471-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11-01-09**  
**Claimant: Appellant (2R)**

Iowa Code § 96.4(3) – Able and Available  
871 IAC 24.2(1)e – Failure to Report

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 20, 2010, reference 03, decision that denied benefits. After due notice was issued, a hearing was held on July 17, 2010. The claimant did participate. Claimant's Exhibit A was entered and received into the record.

**ISSUE:**

Did the claimant fail to report as directed?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: When calling in her weekly claim for the week ending May 8, 2010 the claimant indicated she had quit a job, prompting the agency to want to inquire about that. The claimant was sent a letter telling her that a representative would be calling her on May 19, between 8:30 a.m. and 8:59 a.m. The claimant did not check the telephone number on the form as instructed and did not notice that her telephone number was listed incorrectly. She called the agency and provided the correct telephone number on May 19 and was later called by a representative around 9:30 a.m. and did discuss with him her most recent separation from employment. The claimant did not fail to report as directed.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant has established that 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".

871 IAC 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 and the payment of benefits, provided the individual is otherwise eligible, shall be on a biweekly basis by mail if the claimant files a Form 60-0151.

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 financial institution's account 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.

871 IAC 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 claimant has established that she did not fail to report as directed, benefits are allowed.

**REMAND:**

This case is remanded to fact-finding so that a decision on the claimant's separation from her most recent employer (U.S. Census Bureau) can be issued by the agency.

**DECISION:**

The May 20, 2010, reference 03, decision is reversed. The claimant has established that she did not fail to report as directed. Benefits are allowed effective May 16, 2010, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs