

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHANNON MARTIN**  
Claimant

**APPEAL 19A-UI-01415-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 10/21/18  
Claimant: Appellant (4)**

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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:**

The claimant filed a timely appeal from the February 14, 2019, (reference 03) 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 March 4, 2019. 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 January 31, 2019, a notice was mailed to the claimant to be available for a call from IWD on Tuesday, February 12, 2019, about her availability for work the week ending January 26, 2019. Attempts were made to contact the claimant at 9:48 a.m. and 9:52 a.m. on the date in question. Claimant was in a funeral and did not answer. The following Monday, February 18, claimant contacted Iowa Workforce Development and explained the situation. The claimant filed a weekly claim and mistakenly indicated she was not available for work.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant has failed to establish 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 in the individual's account at a financial institution or on a selected debit card.

(2) 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.

(3) 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.

Here, claimant did receive notice of the fact-finding interview, but was not available to the fact-finder at the time of the scheduled hearing on February 12, 2019. Claimant made no attempt to contact IWD until February 18, 2019. Accordingly, claimant has not established a good cause reason for failing to report as directed. Benefits are withheld for the one-week period ending February 16, 2019. Benefits are allowed effective February 17, 2019, as claimant reported to IWD on February 18, 2019.

**DECISION:**

The February 14, 2019, (reference 03) unemployment insurance decision is modified in favor of the appellant. The claimant has not established a good cause reason for failing to report as directed. Benefits are withheld for the week ending February 16, 2019. Benefits are allowed effective February 17, 2019, provided claimant is otherwise eligible.

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Decision Dated and Mailed

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