

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ROXANNE L KNOEDLER**  
Claimant

**APPEAL 15A-UI-01023-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/09/14  
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 January 16, 2015, (reference 04) decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was set for February 18, 2015. 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: A notice was mailed to the claimant to be available for IWD reemployment services training on January 13, 2015. Claimant did not receive the notice until January 12 and was unable to get time off from her part-time job to attend (nor should she be expected to do so). She did not contact a Workforce Advisor to attempt to reschedule or explain why she could not attend but waited and filed an appeal on January 26, 2015.

**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 on the scheduled date but has not established good cause for failing to communicate with a Workforce Advisor to reschedule.

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:

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.

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 the claimant failed to report or communicate with IWD for two weeks from the time the appointment was scheduled until she filed her appeal letter, benefits are withheld for that period; the two weeks ending January 24, 2015. Claimant is otherwise eligible effective January 25, 2015.

**DECISION:**

The January 16, 2015, (reference 04) unemployment insurance decision is modified in favor of the appellant. The claimant has established a good cause reason for failing to report as directed on the date of the appointment but does not have a good reason for failure to communicate with a Workforce Advisor to reschedule. She must make those arrangements immediately upon receipt of this decision unless she has already done so. Benefits are allowed effective January 25, 2015, provided she is otherwise eligible. Benefits are denied for the two weeks ending January 24, 2015.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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