

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**SARA A BRIGGS**  
Claimant

**APPEAL NO. 19A-UI-02644-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**  
Employer

**OC: 01/20/19**  
**Claimant: Appellant (2R)**

Iowa Code Section 96.4(3) – Able & Available  
Iowa Administrative Code rule 871-24.2(1)(e) – Failure to Report as Directed

**STATEMENT OF THE CASE:**

Sara Briggs filed a timely appeal from the March 22, 2019, reference 05, decision that denied benefits effective March 17, 2019, based on the deputy's conclusion that Ms. Briggs had failed to report as directed and therefore did not meet the availability requirement. An appeal hearing was held on April 16, 2019. Ms. Briggs participated and waived the 10-day formal notice. Exhibit A and Department Exhibits D-1 through D-4 were received into evidence.

**ISSUES:**

Whether Ms. Briggs has been able to work and available for work within the meaning of the law since March 17, 2019.

Whether Ms. Briggs failed to report as directed during the week of March 17-23, 2019 and therefore was not available for work within the meaning of the law.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Sara Briggs established an original claim for unemployment insurance benefits that was effective January 20, 2019. Ms. Briggs has thus far made weekly claims for the 12 consecutive weeks between January 20, 2019 and April 13, 2019. Ms. Briggs received \$96.00 in benefits for each of the eight consecutive weeks between January 20, 2019 and March 16, 2019.

On March 15, 2019, Iowa Workforce Development mailed a notice to Ms. Briggs regarding a telephonic fact-finding interview set for March 21, 2019. The Agency was attempting to follow up with Ms. Briggs regarding information she had provided as part of her weekly claim for the week that ended March 9, 2019. Ms. Briggs had reported on her weekly claim that she had refused work during that week. Iowa Workforce Development mailed the March 15 notice of the March 21 fact-finding interview to Ms. Briggs' address of record, 1943 Manitoba Avenue, Waterloo, Iowa 50707-2533. Ms. Briggs had ceased residing at that address during the last week of February 2019 and did not receive the notice of the fact-finding interview. At the time of

the fact-finding interview, the Benefits Bureau deputy documented an attempt to reach Ms. Briggs and documented that the deputy had left a voicemail message for Ms. Briggs. The deputy attempted to reach Ms. Briggs at the correct telephone number. However, Ms. Briggs did not have a call or a voicemail message. When Ms. Briggs did not appear for the telephonic fact-finding interview, the deputy entered the decision that held Ms. Briggs had failed to report as directed.

Ms. Briggs did not learn there was a problem with her unemployment insurance claim until she did not receive weekly benefits for the week that ended March 23, 2019. Ms. Briggs expected to receive benefits on March 28, 2019. When Ms. Briggs did not receive the expected benefits, she went to the Waterloo IowaWORKS center and spoke to an Agency representative. At that time, Ms. Briggs learned about the purported March 21, 2019 failure to report as directed and associated denial of benefits. On that same day, Ms. Briggs filed her appeal.

Ms. Briggs has made two job contacts during each week of her claim. Some of her job contacts have been in-person contacts. Others have been applications via the Internet. Ms. Briggs lacks a motor vehicle and uses a bike as her primary mode of transportation. Ms. Briggs does not have a stable residence and has instead lodged temporarily with one friend or another. Ms. Briggs had recently designated her mother's residence as the place to which her mail should be directed. Ms. Briggs has a cell phone that she uses to make her weekly claims and to take and receive calls. Ms. Briggs' cell phone works to a degree, but suffers from both audio and visual deficits. Ms. Briggs is subject to epileptic seizures that do not prevent her from working.

#### **REASONING AND CONCLUSIONS OF LAW:**

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. 871-24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor

market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

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. Iowa Administrative Code rule 871-24.2(1)(e). 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. Iowa Administrative Code rule 871-24.23(11).

Ms. Briggs had good cause for failing to report for the March 21, 2019 telephonic fact-finding interview, based on not receiving notice of the fact-finding interview. Ms. Briggs' absence from the March 21, 2019 fact-finding interview did not prevent Ms. Briggs from being available for work within the meaning of the law.

Despite Ms. Briggs' several challenges, the weight of the evidence in the record establishes that Ms. Briggs has been able to work and available work since March 17, 2019. Despite her unsteady lodging, she has a mailing address. Ms. Briggs has made the minimally acceptable number of weekly job contacts. Ms. Briggs has had a mode of transportation with which to make job contacts. Ms. Briggs' particular health issues do not prevent her from being able to work. Accordingly, the administrative law judge concludes that Ms. Briggs has been able to work and available for work since March 17, 2019 and is eligible for benefits effective March 17, 2019, provided she meets all other eligibility requirements.

In light of Ms. Briggs' several challenges, it is prudent to remand this matter to the Benefits Bureau for determination of whether Ms. Briggs would benefit from reemployment services.

**DECISION:**

The March 22, 2019, reference 05, decision is reversed. The claimant has good cause for being absent from the March 21, 2019 fact-finding interview. The claimant has been able to work and available for work since March 17, 2019. The claimant is eligible for benefits effective March 17, 2019, provided she meets all other eligibility requirements.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs