

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PETER G DUL
Claimant

APPEAL NO. 19A-UI-05564-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 11/25/18
Claimant: Appellant (1)

Iowa Code Section 96.4(3) – Able & Available
Iowa Administrative Code Rule 871-24.2(1)(e) & 871-24.23(11) – Failure to Report as Directed

STATEMENT OF THE CASE:

Peter Dul filed a timely appeal from the July 2, 2019, reference 04, decision that denied benefits effective June 23, 2019, based on the deputy's conclusion that Mr. Dul failed to report as directed by the Agency and therefore did not meet the availability requirement. After due notice was issued, a hearing was started on August 6, 2019 and concluded on August 9, 2019. The hearing in this matter was consolidated with the hearing in appeal Numbers 19A-UI-05563-JTT and 19A-UI-05565-JTT. Mr. Dul participated. Neur-English interpreter Diar of CTS Language Link assisted with the hearing on August 9, 2019. The administrative law judge took official notice of the following Agency administrative records: KCCO, DBRO, the June 10, 2019 letter advising Mr. Dul to complete his online job registration and the June 19, 2019 Agency representative note stating that Mr. Dul had not completed the online registration.

ISSUES:

Whether Mr. Dul failed to report as directed by a letter Iowa Workforce Development mailed to Mr. Dul on June 10, 2019 and thereby failed to meet the availability requirement.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Peter Dul established an additional claim for benefits that was effective May 26, 2019. Mr. Dul made weekly claims for the six weeks between May 26, 2019 and July 6, 2019. Mr. Dul is originally from Sudan, is a native Nuer speaker, but is able to read English. On June 10, 2019, Iowa Workforce Development mailed a Notice to Register for Work letter to Mr. Dul. The letter stated as follows:

MAIL DATE: 06/10/19
DUE DATE: 06/19/19

Notice to Register for Work

You must complete an additional application for job search assistance. Access the work registration application online at www.iowaworks.org. You must thoroughly complete all sections of the application to increase your job opportunities. Failure to complete the online application by the date and time below will result in the denial of your unemployment benefits.

You must be able and available for work, and keep your work search log up to date.

Failure to complete the online job registration by the date and time below may result in the denial of your unemployment benefits.

Register on or before: 06/19/19.

If you have already registered for work on www.iowaworks.gov, you have met this requirement and no action is needed.

You can contact Unemployment Insurance Customer Service for additional questions:

Unemployment Insurance Customer Service

Email: uiclaimshelp@iwd.iowa.gov

Website: www.iowaworkforcedevelopment.gov

Phone: 1-866-239-0843, Monday-Friday from 8 a.m. – 4:30 p.m.

Mr. Dul did not comply with the instructions set forth in the June 10, 2019 letter. On June 19, 2019, an Iowa Workforce Development deputy documented the failure to comply with the directive by the June 19, 2019 deadline. The registration issue remains unresolved.

REASONING AND CONCLUSIONS OF LAW:

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".

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).

The weight of the evidence establishes that Mr. Dul received the Notice to Register for Work letter that was mailed to him on June 10, 2019, but failed to comply with the Notice to Register for Work directive by the June 19, 2019 deadline for compliance. The weight of the evidence establishes that Mr. Dul has still not complied with the directive. Based on the failure to report as directed, the Mr. Dul does not meet the availability requirement. Benefits are denied effective June 23, 2019.

DECISION:

The July 2, 2019, reference 04, decision is affirmed. The claimant failed to comply with the Notice to Register for Work directive by the June 19, 2019 deadline for compliance and has still not complied with the directive. Based on the failure to report as directed, the claimant does not meet the availability requirement. Benefits are denied effective June 23, 2019.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/scn