

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROSE A AMES
Claimant

APPEAL NO: 15A-UI-00949-S2T

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

GOOD SAMARITAN SOCIETY INC
Employer

**OC: 12/21/14
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Rose Ames (claimant) appealed a representative's January 16, 2015, decision (reference 01) that concluded she had failed to respond to a call-in notice and was, therefore, not eligible to receive unemployment insurance benefits based on her employment with Good Samaritan Society (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 17, 2015. The claimant participated personally. The employer participated by Anne Reese, Administrator. The claimant offered and Exhibit A was received into evidence.

ISSUE:

The issue is whether the claimant is able and available for work and whether the claimant failed to report as directed.

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant worked for the employer from January 7, 2013, through December 11, 2014, as a certified nursing assistant. On December 12, 2014, she was arrested, temporarily incarcerated, and placed on pre-trial release. As she awaits trial she is unable to work.

A notice was mailed to the claimant to report to IWD but the claimant did not receive it.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant has good cause for having failed to report as directed.

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.

The claimant was directed to report to the Agency and did not because she did not receive the document. The claimant has established good cause for having failed to report as directed.

The second issue is whether the claimant was able and available for work. For the following reasons the administrative law judge concludes she is not.

871 IAC 24.23(12) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(12) If a claimant is in jail or prison, such claimant is not available for work.

When an employee is incarcerated and unable to perform work due to that incarceration she is considered to be unavailable for work. The claimant was incarcerated or awaiting trial from December 12, 2014, to the present. She is considered to be unavailable for work from the date she filed her claim for unemployment insurance benefits, December 21, 2014. The claimant is disqualified from receiving unemployment insurance benefits beginning December 21, 2014, due to her unavailability for work.

DECISION:

The representative's January 16, 2015, decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits beginning December 21, 2014, due to her unavailability for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs/pjs