

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KYLE L MCCLURE**  
Claimant

**APPEAL 17A-UI-05124-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/01/17  
Claimant: Appellant (2)**

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Iowa Code § 96.4(3) - Able and Available  
871 IAC 24.2(1)e – Failure to Report

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 11, 2017, (reference 02) decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was held on June 1, 2017. Claimant participated.

**ISSUE:**

Did the claimant fail to report to Iowa Workforce Development (IWD) as directed?

**FINDINGS OF FACT:**

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: While filing her weekly claim for benefits for the week ending April 29, 2017 the claimant mistakenly indicated she had refused an offer of work. The claimant did not refuse an offer of work during the week ending April 29, 2017. Because of her response a notice was mailed to the claimant telling her to be available for a call from IWD on May 10, 2017 about her job refusal for the week ending April 29, 2017. The claimant did not receive the notice of the fact-finding interview until two days after the interview was scheduled to be held. When she learned of the fact-finding inquiry she called the agency right away but was not able to reach anyone.

**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.

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 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 account at a financial institution 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. 871-24.6(1-6) provides:

Profiling for reemployment services.

(1) The department of workforce development and the department of economic development will jointly provide a program which consists of profiling claimants and providing reemployment services.

(2) Profiling is a systematic procedure used to identify claimants who, because of certain characteristics, are determined to be permanently separated and most likely to exhaust benefits. Such claimants may be referred to reemployment services.

(3) Reemployment services may include, but are not limited to, the following:

- a. An assessment of the claimant's aptitude, work history, and interest.
- b. Employment counseling regarding reemployment approaches and plans.
- c. Job search assistance and job placement services.
- d. Labor market information.
- e. Job search workshops or job clubs and referrals to employers.
- f. Résumé preparation.
- g. Other similar services.

(4) As part of the initial intake procedure, each claimant shall be required to provide the information necessary for profiling and evaluation of the likelihood of needing reemployment assistance.

(5) The referral of a claimant and the provision of reemployment services is subject to the availability of funding and limitations of the size of the classes.

(6) A claimant shall participate in reemployment services when referred by the department unless the claimant establishes justifiable cause for failure to participate or the claimant has previously completed such training or services. Failure by the claimant

to participate without justifiable cause shall disqualify the claimant from the receipt of benefits until the claimant participates in the reemployment services.

a. Justifiable cause for failure to participate is an important and significant reason which a reasonable person would consider adequate justification in view of the paramount importance of reemployment to the claimant.

b. Reserved.

This rule is intended to implement Iowa Code section 96.4(7).

Non-receipt of the notice is a good-cause reason for a failure to report as directed. Benefits are allowed. Additionally, the claimant merely made a mistake when submitting her weekly claim for the week ending April 29, 2017 as she did not refuse any offer of work.

**DECISION:**

The May 11, 2017, (reference 02) decision is reversed. The claimant has established a good cause reason for failing to report as directed. Benefits are allowed effective May 7, 2017, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/rvs