

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PATRICIA R HUTSON
Claimant

APPEAL 22A-UI-08487-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/07/21
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Eligibility – Able to, available for, work search
Iowa Admin. Code r. 871-24.2(1)e – Eligibility – A&A – Failure to report
Iowa Admin. Code r. 871-24.23(11) – Eligibility – A&A – Failure to report

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 22, 2022 (reference 01) unemployment insurance decision that denied benefits effective March 13, 2022 finding claimant failed to report as directed by Iowa Workforce Development (IWD). The parties were properly notified of the hearing. A telephone hearing was held on May 20, 2022. Claimant participated. IWD participated through Angela Hill, RESEA Advisor. No exhibits were admitted. Official notice was taken of the administrative record

ISSUES:

Whether claimant is able to and available for work.
Whether claimant failed to report as directed by a department representative.
Whether claimant participated in the reemployment services class.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

On January 27, 2022, claimant met with Angela Hill, IWD RESEA Advisor, virtually to review mandatory reemployment activities. After the virtual meeting, Hill emailed claimant a notice which included the dates and times of the required activities and instructions for how to log on to the virtual activities. The notice stated that claimant must attend a Virtual Job Club on March 9, 2022. On March 9, 2022, claimant asked Hill to reschedule the Virtual Job Club because she had a job interview at the same time; Hill agreed. The parties rescheduled the Virtual Job Club for March 16, 2022. Claimant was told of the new date and time during a telephone call with Hill. This information was not provided in a subsequent email. Claimant did not attend the activity on March 16, 2022. Claimant did not notify IWD that she was unable to attend before the scheduled event.

On March 22, 2022, IWD issued a decision (reference 01) denying claimant benefits effective March 13, 2022 because she did not attend the Virtual Job Club on March 16, 2022. Claimant

contacted Hill on or about March 21, 2022 and the parties rescheduled the March 13, 2022 Virtual Job Club for March 23, 2022. Claimant attended the activity on March 23, 2022. On March 25, 2022, IWD issued a decision (reference 02) allowing benefits effective March 20, 2022 finding claimant had since reported to IWD and participated in the required activity.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

1. Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

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.

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.

It is the duty of the administrative law judge, as the trier of fact, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and

deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other evidence you believe; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

The findings of fact show how I have resolved the disputed factual issues in this case. I assessed the credibility of the witnesses who testified during the hearing, considering the applicable factors listed above, and using my own common sense and experience. I find Hill's testimony credible that claimant was notified of the March 16, 2022 job club during a telephone conversation.


Claimant rescheduled her March 9, 2022 Virtual Job Club to March 16, 2022 due to a job interview. The parties agreed to the rescheduled date and time of the Virtual Job Club during a telephone conversation. Claimant had notice of the Virtual Job Club on March 16, 2022 but did not attend. Claimant has not established good cause for failing to report as directed. As such, claimant is considered not able to and available for work effective March 13, 2022.

Claimant attended the course on March 23, 2022 and, thus, is considered able to and available for work effective March 20, 2022. Attending the course on March 23, 2022 makes claimant able to and available for work during that benefit week – it does not make claimant able to and available for work for prior week.

Accordingly, benefits are denied for the one benefit week from March 13, 2022 through March 19, 2022.

DECISION:

The March 22, 2022 (reference 01) unemployment insurance decision is affirmed. Claimant failed to report without good cause and, thus, was unavailable for work. Benefits are denied from March 13, 2022 through March 19, 2022.



Adrienne C. Williamson
Administrative Law Judge
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May 26, 2022
Decision Dated and Mailed

acw/ACW