

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SCOTT B STEIERT**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 20A-UI-01913-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/12/20**  
**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 February 28, 2020 (reference 03) unemployment insurance decision that denied benefits. Claimant was properly notified of the hearing. A telephone hearing was held on March 18, 2020, at 2:05 p.m. Claimant participated. No exhibits were admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant is able to and available for work.  
Whether claimant failed to report as directed by a department representative.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for benefits effective January 12, 2020. On February 14, 2020, a notice to report to IWD was mailed to claimant. The notice stated claimant must provide information regarding his last employer by February 24, 2020. The notice further states that failure to return the information by the date requested could result in a disqualification of benefits already paid and/or future benefits. Claimant received the February 14, 2020 notice on February 29, 2020. Claimant has no reason to believe that the notice was not delivered to his address prior to the due date. Claimant checked his mail once per week or once a week and a half at the time the notice was delivered. Claimant did not provide the requested information by February 24, 2020. On February 28, 2020, an unemployment insurance decision was issued finding claimant was not eligible for benefits as of February 23, 2020, because he failed to report by providing the requested information by February 24, 2020. Claimant subsequently provided the requested information to IWD on March 2, 2020. On March 5, 2020, an unemployment insurance decision (reference 06) was issued finding claimant was eligible for benefits as of March 1, 2020, because he provided the requested information and, thus, was able to and available for work.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant failed to report as directed. Benefits are denied.

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. 871-24.2(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.

Claimant received the notice in the mail but did not check his mail in a timely manner. Therefore, claimant did not provide the required information to IWD prior to the deadline. Not checking mail is not a good cause reason for failing to report. Claimant is not able to and available for work effective February 23, 2020, because he failed to provide the requested information to IWD. However, claimant is able to and available for work effective March 1, 2020, because he subsequently reported and provided the requested information. Benefits are denied from February 23, 2020 until February 29, 2020. Benefits are allowed effective March 1, 2020, provided claimant is otherwise eligible.

**DECISION:**

The February 28, 2020 (reference 03) unemployment insurance decision is affirmed. Claimant initially failed to report as directed, but subsequently reported; therefore, claimant was not able to and available for work between February 23, 2020 and February 29, 2020, but was able to and available for work effective March 1, 2020. Benefits are denied from February 23, 2020 until February 29, 2020. Benefits are allowed effective March 1, 2020, provided claimant is otherwise eligible.



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March 31, 2020  
Decision Dated and Mailed

acw/scn