

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DENISE L ALLGOOD**  
Claimant

**APPEAL 15A-UI-14168-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/19/15  
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 December 14, 2015, reference 05, decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was held on January 15, 2016. Claimant participated.

**ISSUE:**

The issue is whether failed 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: On November 25, 2015, a notice was mailed to the claimant asking her to provide information about why she indicated she was not able to and available for work for the week ending November 14, 2015. The claimant filed a weekly continuing claim and mistakenly pushed the button indicating she was not available for work. The claimant faxed a response to IWD on December 4 at the number provided on the bottom of the letter sent to her indicating that she had made a mistake when filing her weekly claim for benefits and that she was able to and available for work for the week in question. IWD did not receive her response. The claimant's claim for benefits is locked for reasons other than this decision. The claimant has been instructed to seek assistance from her local IWD office regarding the reasons her claim remains locked.

**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 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".

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. 871-24.6 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 § 96.4(7).

The claimant did report as directed by faxing the requested information to the agency. While the information was not received by the agency, the claimant has established that she was both able to and available for work and that she did not fail to report as directed. Benefits are allowed, **provided the claimant is otherwise eligible.**

**DECISION:**

The December 14, 2015, reference 05, decision is reversed. The claimant has established that she did report as directed and that she was able to and available for work. Benefits are allowed, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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