

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RUSSELL ELLIOTT**  
Claimant

**APPEAL NO: 11A-UI-09468-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PER MAR SECURITY & RESEARCH CORP**

**OC: 10-24-10**  
**Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from an unemployment insurance decision dated July 15, 2011, reference 02, which denied benefits effective the week ending June 5, 2011, based on the Agency's inability to contact the claimant for a job referral. After hearing notices were mailed to the parties' last-known address of record, a telephone hearing was held on August 10, 2011. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

**ISSUE:**

The issue is whether the claimant had good cause for the Agency being unable to contact him for a job referral.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The Agency attempted to contact the claimant for a job referral the week ending June 5, 2011, but had the claimant's cell phone number rather than his primary number, which is his home phone number. The claimant only uses his prepaid cell phone for emergencies and did not provide that number to the Department to the best of his recollection. He never used his cell phone number as his primary number for contact with the Agency. After receiving this decision he notified the Department it had incorrect information regarding his phone number and changed his phone number to accurately reflect his contact information.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant is eligible for benefits because the Department was unable to contact him regarding a job referral.

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".

The evidence indicates the Agency was unable to contact the claimant because it had his cell phone, rather than his home phone, listed as his primary phone number, and he rarely uses his cell phone. The claimant was not aware the Department listed his cell phone as his primary contact number and changed it to the correct number as soon as he became aware of the problem. The claimant has established justifiable cause for the Agency's inability to reach him. Accordingly, benefits are allowed effective June 5, 2011.

**DECISION:**

The unemployment insurance decision dated July 15, 2011, reference 02, is reversed. Benefits are allowed effective June 5, 2011, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/css