

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SENG LOVAN
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 19A-UI-06712-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/26/19
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 16, 2019, (reference 02), which denied benefits as of July 21, 2019 due to the claimant's failure to report as directed. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on September 18, 2019. The claimant participated in the hearing with her daughter Tina Lovan, who acted as her interpreter as CTS Language Link could not provide a Tai Dam interpreter.

ISSUE:

The issue is whether the claimant failed to report as directed and does not meet the availability requirements of the law.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant began filing for benefits the week ending June 1, 2019. The Department sent her a letter directing her to report July 21, 2019. The claimant does not read or speak English and her daughter noticed the letter August 20, 2019, and read it to the claimant. They then called the Department and satisfied the reporting requirement.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant failed to report as directed. 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.

A claimant will be disqualified as unavailable for work if she fails to report as directed to Iowa Workforce Development in response to the notice that was mailed to her. See 871 IAC 24.23(11).

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.

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.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly on a debit card specified by the department.

(2) The department retains the ultimate authority to choose the method of reporting and payment.

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.

The administrative law judge is convinced that the claimant, who does not read or speak English, did not see the Notice to Report until her daughter found it and translated it for her. The claimant cannot be disqualified for her failure to report when she did not receive or understand the Notice.

DECISION:

The unemployment insurance decision dated August 16, 2019, (reference 02), is reversed. The claimant did not fail to report as directed. Benefits are allowed effective July 21, 2019, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn