

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LARRY E MCGLADE
Claimant

APPEAL 16A-UI-11764-JP-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/18/16
Claimant: Appellant (2)

Iowa Code § 96.4(3) - Able and Available
Iowa Admin. Code r. 871-24.2(1)e – Notice to Report
Iowa Admin. Code r. 871-24.23(11) – Failure to Report

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 26, 2016, (reference 02) unemployment insurance decision that denied benefits because of a failure to report as directed. The parties were properly notified about the hearing. A telephone hearing was held on November 15, 2016. Claimant participated. Official notice was taken of the administrative record of claimant's weekly continued claims, with no objection. Official notice was taken of the administrative record of the letter dated October 12, 2016, with no objection.

ISSUES:

Is the claimant able to and available for work?

Did the claimant fail to report as directed or offer a good cause reason for failure to do so?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: On October 12, 2016, a notice was mailed to claimant to report to Iowa Workforce Development (IWD) by October 21, 2016, via mail about a reported work refusal. Claimant did not respond because he did not receive the notice. For the week ending October 8, 2016, claimant filed a weekly continued claim online and mistakenly indicated that he had refused work. Claimant did not refuse an offer for work for the week ending October 8, 2016. Claimant has not refused a job offer since he filed a claim for benefits.

Claimant has been performing at least two employer contacts per week. Claimant was able and available for work for the week ending October 8, 2016.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the underlying issue was the result of a reporting error, and 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 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 account at a financial institution 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. 871-24.23(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.

For the week ending October 8, 2016, claimant filed a weekly continued claim online and mistakenly indicated that he had refused work. Claimant did not refuse an offer for work for the week ending October 8, 2016. Claimant never received the letter dated October 12, 2016 to respond to IWD by October 21, 2016.

Since claimant did not receive the notice, he has established a good cause reason for failing to report as directed and the underlying issue was the result of a reporting error, benefits are allowed.

DECISION:

The October 26, 2016, (reference 02) unemployment insurance decision is reversed. Claimant has established a good cause reason for failing to report as directed. The underlying issue was the result of a reporting error. Benefits are allowed effective October 23, 2016, provided claimant is otherwise eligible.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs