

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JACKSON LOVAN
Claimant

APPEAL 19A-UI-07685-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/25/19
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Jackson Lovan (claimant) appealed a representative's September 27, 2019, decision (reference 03) that concluded he had failed to respond to a notice to report and was, therefore, not eligible to receive unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 22, 2019. The claimant participated personally.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: On September 19, 2019, the department sent the claimant a notice of fact-finding interview at the claimant's last known address of record. The interview was scheduled for September 26, 2019. The claimant did receive the notice and was expecting the call. The call did not go through because he was in a location with no reception. He noticed a message on his cellphone but it was too late to respond to the message.

At the October 21, 2019, the claimant learned that the fact-finding interview was scheduled to question him about an entry he made on his cellphone for the week ending September 14, 2019. The claimant pressed a button on his cellphone that showed he refused an offer of work. He has not been offered any work and so the claimant must have pressed the wrong button.

The claimant is not a student, employed, or self-employed. He is not working or caring for others. He is medically able to work.

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 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.

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.

The claimant was directed to participate in a fact-finding interview. The claimant did not participate because he had no cellphone service. The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that he intended to participate. He has also demonstrated that his entry for the week ending September 14, 2019, was due to human error. Benefits are allowed as of September 22, 2019, provided the claimant is otherwise eligible.

DECISION:

The representative's September 27, 2019, decision (reference 03) is reversed. The claimant has established a good cause reason for having failed to report as directed. Benefits are allowed as of September 22, 2019, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn