

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**RICHARD H ZOHNER**  
Claimant

**APPEAL NO: 19A-UI-01732-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/20/19  
Claimant: Appellant (1)**

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 a timely appeal from the February 19, 2019, (reference 02) unemployment insurance decision that denied benefits effective February 17, 2019, because of a failure to report as directed. After due notice was issued, a telephone conference hearing was conducted on March 13, 2019. The hearing was held jointly with 19A-UI-01731-JC-T. The claimant participated and was represented by Corey Walker, attorney at law. The administrative law judge took official notice of the administrative records including the fact-finding documents. Claimant Exhibits A-G were admitted into evidence. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: On February 6, 2019, the claimant was mailed by Iowa Workforce Development a medical statement for his treating physician to complete by February 18, 2019 (See fact-finding documents.) The claimant was warned that failure to return the completed form could result in a denial of unemployment insurance benefits (See fact-finding documents.) The claimant indicated he took the requested paperwork to his treating physician's office. The last time his treating physician evaluated him was July 19, 2018 (Claimant Exhibit A). The claimant did not make an appointment to see his physician but rather gave the paperwork to the receptionist, who declined to fill out the paperwork. The claimant responded to the letter by sending in the July 2018 letter, rather than the completed form.

He was contacted by an Iowa Workforce Development representative and informed that the requested form was needed in order to review his eligibility. The claimant informed the representative that he would not return the form based upon guidance from his attorney. The claimant took no further steps to provide the requested information.

The claimant has been treated for significant medical issues related to his back and leg since 2018 (Claimant Exhibits A-G). He last visited his doctor in July or August 2018. The claimant's work experience includes over forty years of truck driving. He acknowledged he can no longer climb in and out of trucks, cannot do heavy lifting, and would like to perform sedentary work, but has no experience in that type of work. The claimant's work search history has consisted of him applying for jobs that he is unable to physically do, such as for towing companies or construction/labor. These jobs require physical skills outside of the claimant's acknowledged restrictions.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant has not established a good cause reason for having failed to report as directed.

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). The claimant has the burden to show he is able to work, available for work, and earnestly and actively seeking work. To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

The claimant has failed to establish a good cause reason for failing to report as directed. The claimant was requested but did not complete a form regarding his existing medical restrictions. The claimant did not make an appointment to be evaluated, but rather relied upon a doctor's note that was over six months old, and a receptionist's denial in completing the documentation.

The administrative law judge is persuaded the request for updated medical documentation was reasonable, and the claimant did not take reasonable steps to obtain the information, such as making an appointment with his physician to be evaluated. Instead, the claimant stated based upon his attorney's advice, he would not provide the requested information. This is not a good cause reason to not comply with the notice to report as directed. Further, due to the lack of updated medical documentation and evidence presented at the hearing, the evidence fails to establish the claimant is able to and available for work as defined by the unemployment insurance law.

Benefits are withheld until such time as the claimant obtains an updated medical release to return to some type of work of which he is capable of performing given any medical restrictions.

**DECISION:**

The February 19, 2019, (reference 02) decision is affirmed. The claimant has not established a good cause reason for failing to report as directed. Further, the claimant has not established he is able to and available for work. Benefits are denied until the claimant obtains an updated medical release to return to some type of work of which he is capable of performing given any medical restrictions.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

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