

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ENATE L SOLOMON**  
Claimant

**APPEAL 16A-UI-12964-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/25/16  
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 December 5, 2016, (reference 08), unemployment insurance decision that denied benefits as of November 27, 2016 because of a failure to report as directed. After due notice was issued, a telephone conference hearing was held on December 22, 2016. Claimant participated. Elsa Woldeab testified on claimant's behalf. CTS Language Link interpreter ID number 9360 interpreted on claimant's behalf. Official notice was taken of the administrative record of claimant's benefit payment history, filing of weekly continued claims, and the unemployment insurance letter of inquiry dated November 2, 2016, with no objection.

**ISSUE:**

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 November 2, 2016, a notice was mailed to the claimant to respond to Iowa Workforce Development about her availability for work the week ending October 29, 2019 (it is noted that according to the administrative record, the date should have been October 29, 2016). Claimant was not able to read notice. Claimant took the notice to another person to have it read to her. The person read the letter to claimant, but did not advise her that she had to respond by November 11, 2016.

According to the administrative record and claimant's testimony, she filed a weekly claim through the internet and mistakenly indicated that she he was not available for work for the week ending October 29, 2016. Claimant was able and available for work for the week ending October 29, 2016 and the administrative record shows claimant made two employer contacts that week. Claimant has been able and available for work and searching for work since filing her claim for benefits with an effective date of September 25, 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. Benefits are allowed.

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.

Since filing a claim for benefits with an effective date of September 25, 2016, claimant has been able and available for work each week, including the week ending October 29, 2016. When claimant filed her continued weekly claim for the week ending October 29, 2016, it was mistakenly indicated that she was not able and available for work. Claimant received letter

requiring her to report, but when she had the letter read to her, the person reading the letter to her did not inform her that she had to respond by November 11, 2016. Since the person reading the letter that directed claimant to respond by November 11, 2016 did not inform her of the deadline to respond, she has established a good cause reason for failing to report as directed, benefits are allowed.

**DECISION:**

The December 5, 2016, (reference 08) 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 November 27, 2016, provided she is otherwise eligible.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

jp/rvs