

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN A MAURER
Claimant

APPEAL 18A-UI-08366-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/17/18
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:

John A. Maurer (claimant) filed a timely appeal from the July 31, 2018, reference 02, unemployment insurance decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was set for August 27, 2018. The claimant participated.

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: The claimant filed his claim for benefits effective June 17, 2018. On July 13, 2018, a notice was mailed to the claimant to register for work with IWORKS by July 25, 2018. The claimant logged onto the website and entered an incorrect email address. He was told he would receive a follow-up email within five to ten minutes containing an application he needed to complete. The claimant did not receive the email and did not follow-up with Iowa Workforce Development (IWD). He did not complete the work registration in the required time frame.

The following week, the claimant received the unemployment insurance decision denying him benefits. He contacted IWD and learned he could file an appeal. On Wednesday, August 22, 2018, the claimant participated in an audit over the phone. He was told that he could go to his local office to complete the work registration. As of the date of the appeal hearing, the claimant still has not completed his work registration. He has not completed it due to the appeal he filed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not able to and available for work as he has failed to report as directed by an IWD representative. Benefits

are denied effective July 29, 2018 and continuing until the claimant registers for work as required.

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:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) Section 96.6 of the employer security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

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 in the individual's account at a financial institution or on a selected debit card.

(2) 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.

(3) 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 Unemployment Insurance Handbook¹ states, in relevant part:

ELIGIBILITY REQUIREMENTS

To meet the preliminary eligibility requirements, an individual must:

- Be totally or partially unemployed
- Have worked and earned a certain amount of wages in work covered by UI in the last 15 to 18 months
- Have lost their job through no fault of their own
- Be able to work and available for work

To remain eligible for UI benefits, an individual must:

- Be actively seeking work (work search may be waived if certain criteria are met)
- **Be registered for work with IWD (unless waived) at the nearest IowaWORKS center or online at www.iowaworkforcedevelopment.gov** [Emphasis added.]

The claimant was notified by an agency representative that he needed to register for work by July 25, 2018 with IWD to remain eligible for benefits. The claimant still has not reported as directed by an agency representative as he has not successfully registered for work. The claimant is not able to or available for work. Benefits are denied effective July 29, 2018 and continuing until the claimant registers for work as directed.

DECISION:

The July 31, 2018, reference 02, unemployment insurance decision is affirmed. The claimant is not able to and available for work and has not established a good cause reason for failing to report as directed. Benefits are denied effective July 29, 2018 and continuing until the claimant registers for work as directed.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn

¹ <https://www.iowaworkforcedevelopment.gov/ui-benefits-application-process> (last accessed August 27, 2018).