

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BRITTANY L MCCAULEY**  
Claimant

**APPEAL 19A-UI-01501-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 07/29/18  
Claimant: Appellant (4)**

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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 15, 2019, (reference 10) unemployment insurance decision that denied benefits effective February 10, 2019, because of a failure to report as directed. After due notice was waived, a telephone conference hearing was held on February 20, 2019. Claimant participated. Claimant's Exhibits A and B were received.

**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 January 31, 2019, a notice was mailed to the claimant to be available for a call from IWD on February 13, 2019, at 10:40 a.m. about her availability for work the week ending January 26, 2019. The claimant did not report because she was at work. Claimant received a voice mail, but did not attempt to get into contact with the agency because she was busy and knew her appeal hearing was coming up on February 20, 2019.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant reported to the agency on February 20, 2019.

Iowa Code section 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.

(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.

Claimant failed to report as directed when she missed the phone call on February 13, 2019, and made no attempt to return the phone call. Claimant did participate in the appeal hearing on February 20, 2019, and did report the requested information on that date.

**DECISION:**

The February 15, 2019, (reference 10) unemployment insurance decision is modified in favor of claimant. The claimant failed to report as directed until February 20, 2019. The underlying issue has been resolved in a separate decision. Benefits are denied from February 10, 2019, until February 20, 2019. Benefits are allowed effective February 20, 2019, provided claimant is otherwise eligible.

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Decision Dated and Mailed

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