

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTOPHER M WRIGLEY
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 20A-UI-02659-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/23/20
Claimant: Appellant (2R)

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Code § 96.3(7) – Overpayment of Benefits
Iowa Admin. Code r. 871-24.2(1)e – Notice to Report
Iowa Admin. Code r. 871-24.23(11) – Failure to Report
PL 116-136 Section 2104(B) – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 24, 2020 (reference 02) unemployment insurance decision that denied benefits because claimant failed to report as directed. After due notice was issued, a telephone hearing was held on April 29, 2020. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUES:

Is the claimant able to work and available for work?
Did the claimant fail to report as directed or offer a good cause reason for failure to do so?
Is the claimant overpaid benefits?
Is the claimant overpaid Federal Pandemic Unemployment Compensation?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: Claimant has reported on each weekly claim filing that he is receiving a pension. In a previous claim year, claimant had this pension reviewed by Jeri Lanson with Iowa Workforce Development.

Claimant received a notice that was mailed to him to be available for a call from Iowa Workforce Development on March 20, 2020 at 2:40 p.m. Claimant did not receive a telephone call on that date and time. When he did not receive a call, he attempted to contact Iowa Workforce Development at the toll free number listed; however, there was no answer and the phone kept ringing. He contacted Ms. Lanson because he still had her contact information from his previous claim year and told her that he did not receive a telephone call. She said that she would make a note and contact someone on his behalf.

The underlying issue which was to be addressed during the telephone call was the pension that the claimant is receiving as he reports in his weekly claim filings. That issue has yet to be resolved during this current claim year.

Despite being denied benefits in the original decision, Iowa Workforce Development made a decision to release funds of claimants while their appeals were pending due to the backlog in appeals caused by the recent COVID 19 outbreak. Claimant was one of the individuals whose funds were released pending appeal.

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 and the underlying issue regarding the deductibility of the claimant's pension is remanded to the Benefits Bureau for an investigation and determination.

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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 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.

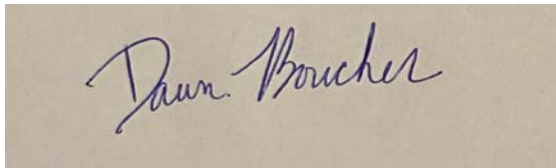
Claimant established a good cause reason for his failure to report as directed because he did not receive a telephone call. Further, he attempted to contact Iowa Workforce Development when he did not receive a telephone call. As such, benefits are allowed provided he is otherwise eligible. Because benefits are allowed, the issues of overpayment of benefits and overpayment of Federal Pandemic Unemployment Compensation are moot. The issue regarding claimant's pension is remanded to the Benefits Bureau for an investigation and determination.

DECISION:

The March 24, 2020 (reference 02) decision is reversed. The claimant has established a good cause reason for failing to report as directed. Benefits are allowed effective March 15, 2020, provided the claimant is otherwise eligible.

REMAND:

The underlying issue regarding whether the claimant's pension is deductible from his weekly benefit amount is remanded to the Benefits Bureau for an investigation and determination.



Dawn Boucher
Administrative Law Judge

May 4, 2020
Decision Dated and Mailed

db/scn