

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**KRISTY MOYER**  
Claimant

**APPEAL NO. 16A-UI-08866-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/03/16  
Claimant: Appellant (2)**

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871 IAC 24.2(1)e - Failure to Report  
Iowa Code § 96.4-3 - Able and Available for Work

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated August 5, 2016, (reference 02), which denied benefits as of July 17, 2016, due to the claimant's failure to report as directed. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on September 1, 2016. The claimant participated in the hearing.

**ISSUE:**

The issue is whether the claimant failed to report as directed and does not meet the availability requirements of the law.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant mistakenly hit the button indicating she was not able and available for work when calling in her claim the week ending July 23, 2016. A representative left her a voicemail asking her to call him and asked her if she make an error. The claimant returned the representative's call and left a message stating it was a mistake. She did not hear anything further from the Department until she received the decision denying her benefits for failing to report to the Department as directed. The claimant never received a letter from the Department directing her to report by a certain date.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant failed to report as directed. 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.

A claimant will be disqualified as unavailable for work if she fails to report as directed to Iowa Workforce Development in response to the notice that was mailed to her. See 871 IAC 24.23(11).

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.

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 department retains the ultimate authority to choose the method of reporting and payment.

The claimant mistakenly hit the wrong button when calling in her claim effective July 17, 2016, and was able and available for work. The administrative law judge finds the claimant never received the Notice to Report and she cannot be disqualified for her failure to report when she never received the Notice. Consequently, benefits must be allowed.

**DECISION:**

The unemployment insurance decision dated August 5, 2016, (reference 02), is reversed. The claimant did not fail to report as directed. Benefits are allowed effective July 17, 2016, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs