

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TROY J VANGUNDY
Claimant

APPEAL 20A-UI-01531-AD

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 01/19/20
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:

On February 19, 2020, Troy VanGundy (claimant) filed an appeal from the February 13, 2020 (reference 02) unemployment insurance decision that found claimant did not report to the department. Benefits were denied as of February 9, 2020.

An in-person hearing was held on March 6, 2020. The parties were properly notified of the hearing. The claimant participated personally and appeared in person.

Official notice was taken of the administrative record.

ISSUES:

Did the claimant fail to report as directed or offer a good cause reason for failure to do so?

Is the claimant able to work and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant was mailed a notice to register for work by February 11, 2020. Claimant failed to report as directed. This delay was due in part to claimant providing a mailing address to the department which is not the address at which claimant resides. See 20A-UI-01530-AD. A review of the department's database show claimant has not yet reported as directed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the February 13, 2020 (reference 02) unemployment insurance decision is **AFFIRMED**. Since claimant did not report as directed, he does not meet the availability requirements of the law. Benefits are denied as of February 9, 2020.

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.

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.¹ 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.

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

Iowa Admin. Code r. 871-24.23(11) provides:

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's testimony was not credible. Claimant testified he received a mailing from the department instructing him to register and he did do so within the timeframe indicated. However, he was not sure of when he was supposed to register or when specifically he did register. He was only able to say he registered in the last month. As noted above, the department's database does not indicate he has registered.

The administrative law judge finds claimant was mailed a notice to register for work by February 11, 2020. Claimant failed to report as directed. This delay was due in part to claimant providing a mailing address to the department which is not the address at which claimant resides.

¹ As of October 1, 2016, the agency requires all continued weekly claims to be filed online.

This delay was not due to error of the department or US Postal Service. Claimant has not established a good cause reason for failing to report as directed. A review of the department's database show claimant has not yet reported as directed.

DECISION:

The February 13, 2020 (reference 02) unemployment insurance decision is AFFIRMED. Since claimant did not report as directed, he does not meet the availability requirements of the law. Benefits are denied as of February 9, 2020.

Claimant needs to resolve the issue identified in the original notice mailed to him. He may contact the department to provide the required information.

Andrew B. Duffelmeyer
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Decision Dated and Mailed

abd/rvs