

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

TYLER J LAMBERT
Claimant

APPEAL NO. 14A-UI-04708-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/23/14
Claimant: Appellant (2)

Section 96.4-3 - Able to and Available for Work
871 IAC 24.23(11) - Failure to Report as Directed

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 2, 2014, reference 02, that concluded he was ineligible for benefits effective April 6, 2014, because he did not report to the Agency as directed. A telephone hearing was held on May 22, 2014. The claimant participated in the hearing.

ISSUES:

Did the claimant fail to report to the Agency as directed?
Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of February 23, 2014. He was informed and understood that under the unemployment insurance rules, claimants were subject to disqualification for failing to report to the Agency as directed.

On his weekly claim for benefits for the week ending April 12, 2014, he mistakenly reported that he had refused an offer of work. In fact, the claimant had not been offered a job and had not refused any work.

A notice was mailed to the claimant on April 23, 2014, that stated there was a telephone interview scheduled for May 1, 2014, between 8 and 9 a.m. to discuss the issue of whether he refused suitable work during the week ending April 12, 2014. The notice also stated that failure to participate in the interview could result in being disqualified from receiving unemployment insurance benefits.

The claimant received the notice but the day before May 1, the claimant lost his cellphone. He also could not find the phone number to call to reschedule the fact-finding interview. He found his cellphone on May 2. He found a voicemail message on his phone from the interviewer. He called back right away but was informed a decision had already been issued. The claimant was able to and available for work and was actively seeking employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is ineligible for benefits because he did not report to the Agency as directed and/or was unavailable for work.

The unemployment insurance law provides that a claimant must be able to work, available for work, and actively seeking employment. Iowa Code § 96.4-3. Under the unemployment insurance rules, a claimant who fails to report as directed to the Agency in response to a notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

The claimant was able to and available for work during the week ending April 12. He did not refuse any work during that week.

Although the claimant was not available for the interview on Thursday, May 1, 2014, he called in the next day on May 2, and the Agency could have found out at that time that the claimant had not refused any work and resolved the eligibility issue. The decision itself states the claimant can have the disqualification removed by reporting to his local Workforce Development. The claimant was able to and available for work effective April 6, 2014, and afterward.

DECISION:

The unemployment insurance decision dated May 2, 2014, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits effective April 6, 2014, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs