

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIM J RUEPKE
Claimant

APPEAL NO: 14A-UI-05112-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT**

OC: 01/05/14
Claimant: Appellant (2)

Section 96.4-3 – Able and Available
871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

The claimant appealed a department decision dated May 13, 2014, reference 01, that made him ineligible for benefits as of May 11, 2014 due to failing to report in response to a department notice. A telephone hearing was held on June 5, 2014. The claimant participated.

ISSUE:

The issue is whether the claimant failed to report.

FINDINGS OF FACT:

The administrative law judge having heard the claimant's testimony and having considered the evidence in the record finds: The claimant filed an unemployment claim effective January 5, 2014. When claiming for the week ending April 5, he inadvertently responded he refused work.

From the inception of claimant's claim he was employed with Steel Erectors and reporting substantial earnings in most weeks. The claimant record shows he has received limited unemployment benefits. For the week ending April 5, claimant reported \$380 wages from his employer and received a partial benefit.

The department mailed claimant a May 2 notice that he would need to participate in a telephone interview on May 12 about the job refusal or referral issue. Claimant failed to see on the notice the department had recorded an incorrect phone number where he would be called (#9163 versus #8163). When claimant did not receive a department call, he called in and a department representative noted the telephone number error on the notice.

REASONING AND CONCLUSIONS OF LAW:

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 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.

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. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's financial institution's account or be paid by the mailing of a warrant on a biweekly basis.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

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

The administrative law judge concludes claimant established a justifiable cause for failing to participate in the department interview and no disqualification is imposed.

The administrative law judge further concludes claimant meets the availability requirements of the law effective May 11, 2014 and benefits are allowed.

Claimant had been working for the same employer and receiving some limited unemployment benefit when he inadvertently hit the wrong response on his phone that indicated a job refusal. He had reported earning wages for the week at issue that supports the conclusion he made a good faith error as no other job offer was involved.

Claimant failed to note the department error miss-recording the phone number he would be called for the interview. He did call the department when he failed to receive the interview call.

DECISION:

The department decision dated May 13, 2014, reference 01, is reversed. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css