

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LUIS F RIOS**  
Claimant

**APPEAL 21A-UI-02683-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/08/20  
Claimant: Appellant (1)**

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Iowa Code § 96.4(3) – Eligibility – Able to, available for, work search  
Iowa Admin. Code r. 871-24.2(1)e – Eligibility – A&A – Failure to report  
Iowa Admin. Code r. 871-24.23(11) – Eligibility – A&A – Failure to report

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the January 5, 2021 (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on March 10, 2021, at 3:00 p.m. Claimant participated. Iowa Workforce Development (IWD) participated through Linda Drake, RESEA Career Planner. Department's Exhibits 1 - 4 were admitted. Official notice was taken of the administrative record.

**ISSUES:**

Whether claimant is able to and available for work.  
Whether claimant failed to report as directed by a department representative.  
Whether claimant participated in the re-employment services class.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: A Notice to Report for a Re-Employment Services and Eligibility Assessment was mailed to claimant on December 14, 2020. (Exhibit 1a) The notice informed claimant that he was required to report for a meeting on December 31, 2020 at 2:45 p.m. at the IowaWorks office in Carroll, Iowa. (Exhibit 1a) A document was enclosed with the notice stating that the meeting would be conducted via telephone instead of in person due to Covid-19 and that claimant should be available for a telephone call from IWD at the date and time listed on the notice. The notice also states that failure to report for the meeting at the specified date and time will result in denial of unemployment benefits. (Exhibit 1a).

IWD contacted claimant at his telephone number of record on December 31, 2020 at 2:45 p.m. (Exhibit 2) Claimant did not answer the call and did not have voicemail set up for IWD to leave a message. (Exhibit 2) IWD called claimant again at 2:54 p.m. (Exhibit 2) Claimant did not answer. (Exhibit 2) IWD could not leave a message. (Exhibit 2) On January 5, 2021, IWD issued a decision (reference 02) which denied benefits effective December 27, 2020 based upon claimant's failure to participate in the telephone call on December 31, 2020.

On January 20, 2021, claimant contacted IWD to reschedule his meeting. The meeting was rescheduled for January 25, 2021. Claimant participated in the meeting on January 25, 2021. A decision was issued on February 1, 2021 (reference 03) which allowed benefits effective January 24, 2021, because claimant had participated in the assessment. (Exhibit 4a)

Claimant did not participate in the meeting on December 31, 2020, because he does not answer telephone calls that he receives from unknown telephone numbers.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant failed to report as directed without a good cause reason. Benefits are denied.

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:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

1. Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

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.

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 received the notice directing him to participate in the meeting via telephone on December 31, 2020 at 2:45 p.m. Claimant did not answer the telephone call from IWD to participate in the meeting, because he does not answer calls from unknown telephone numbers. This is not a good cause reason for failing to participate in the meeting as directed by IWD. Claimant is not able to or available for work effective December 27, 2020. Benefits are denied.

**DECISION:**

The January 5, 2021 (reference 02) unemployment insurance decision is affirmed. Claimant failed to report without good cause and, thus, was unavailable for work. Benefits are denied effective December 27, 2020.



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Adrienne C. Williamson  
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March 16, 2021  
Decision Dated and Mailed

acw/scn