

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SAMANTHA K JENKINS
Claimant

APPEAL 17A-UI-04427-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/05/17
Claimant: Appellant (4)**

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:

The claimant/appellant filed an appeal from the April 17, 2017 (reference 04) unemployment insurance decision that denied benefits effective April 9, 2017 because claimant failed to report as directed. After due notice was issued, a telephone hearing was held on May 16, 2017. Claimant participated. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records including the fact-finding documents.

ISSUES:

Did the claimant fail to report as directed or have good cause for doing so?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds:

The claimant reported she did not make any active work searches when filing her weekly continued claim for the benefit week ending April 1, 2017. She reported this correctly as she was in jail the benefit week ending April 1, 2017.

A notice was mailed to the claimant to be available for a call from Iowa Workforce Development (IWD) on April 14, 2017. The claimant received the notice from IWD, but did not check her mail until Monday, April 17, 2017. She further did not answer the telephone call for the fact-finding interview. The claimant did not call IWD during the benefit week ending April 15, 2017 to resolve the underlying issue. The following week, on Monday, April 17, 2017 the claimant reported to IWD to attempt to resolve the underlying issue.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has not established a good cause reason for having failed to report as directed effective April 9, 2017

and benefits are denied through April 15, 2017. However, the claimant reported to the agency the following week to resolve the underlying issue. Benefits are allowed effective April 16, 2017, provided she is otherwise eligible.

Iowa Code § 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. 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. 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.

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.

The claimant received the notice of fact-finding interview, but did not check her mail promptly. She also did not answer the telephone call when contacted by the IWD representative for the fact-finding interview on April 14, 2017. The claimant did not seek to resolve the underlying issue during the benefit week ending April 15, 2017. Benefits are denied for the one-week period ending April 15, 2017, due to a failure to report as directed.

An individual's availability for work is determined on a week-by-week basis. The claimant did not report as directed for the benefit week ending April 15, 2017. However, the following week, she did report to IWD in an effort to resolve the issue. Therefore, the claimant is available for work and benefits are allowed effective April 16, 2017, provided she is otherwise eligible.

DECISION:

The April 17, 2017 (reference 04) unemployment insurance decision is modified in the claimant's favor. The claimant has not established a good cause reason for failing to report as directed the benefit week ending April 15, 2017 and benefits are denied for the one-week period ending April 15, 2017. The claimant reported to IWD the following week to resolve the issue and benefits are allowed effective April 16, 2017, provided she is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/scn