

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**NATHANIEL CORTEZ**  
Claimant

**APPEAL 17R-UI-09845-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/21/17  
Claimant: Appellant (4)**

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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 August 11, 2017 (reference 03) unemployment insurance decision that denied benefits effective August 6, 2017 because claimant failed to report as directed. After due notice was issued, a telephone hearing was held on October 10, 2017, following a remand from the Employment Appeal Board. Claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**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 incorrectly reported he was not able to and available for work when filing his weekly continued claim for benefits for the week ending July 29, 2017. Claimant was actually able to and available for work. Claimant has been earnestly and actively seeking work.

A notice was mailed to the claimant to be available for a call from Iowa Workforce Development (IWD) on August 10, 2017. The claimant did receive the notice from IWD, but his telephone became inoperable on August 10, 2017. Claimant did not have another telephone available until August 15, 2017, when he called IWD and reported his new telephone number and told the IWD representative that he was able to and available for work.

**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 for the one-week period

effective August 6, 2017 through August 12, 2017. However, the claimant reported to the agency the following week to resolve the underlying issue. Benefits are allowed, effective August 12, 2017, provided he 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 have a telephone available to accept the interviewer's call. The claimant did not seek to resolve the underlying issue during the benefit week ending August 12, 2017. Benefits are denied, for the one-week period ending August 12, 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 August 12, 2017. However, the following week,

he did report to IWD in an effort to resolve the issue. Therefore, the claimant is available for work and benefits are allowed, effective August 13, 2017, provided he is otherwise eligible.

**DECISION:**

The August 11, 2017 (reference 03) 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 August 12, 2017 and benefits are denied for the one-week period beginning August 6, 2017 and ending August 12, 2017. The claimant reported to IWD the following week to resolve the issue because he made a reporting error when filing his weekly-continued claim. Benefits are allowed effective August 13, 2017, provided he is otherwise eligible.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/rvs