

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL D SHERIFF
Claimant

IOWAWORKS

**APPEAL 19A-UI-10252-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/03/19
Claimant: Appellant (1)**

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. 871-24.6(6) – Eligibility – Reemployment services
Iowa Admin. Code r. 871-24.23(11) – Eligibility – A&A – Failure to report

STATEMENT OF THE CASE:

Claimant filed an appeal from the December 16, 2019 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on January 22, 2020, at 9:00 a.m. Claimant participated. Iowa Workforce Development (IWD) participated through Violet Armstrong, Career Planner. Department's Exhibit 1 was 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 reemployment services class.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for benefits effective November 3, 2019. (Armstrong Testimony) On December 2, 2019, a notice to report to IWD for a re-employment services and eligibility assessment was mailed to claimant. (Exhibit 1) The notice stated claimant must report for the assessment on December 11, 2019 at 11:00 a.m. at the Cedar Rapids IowaWorks office. (Exhibit 1) The notice further states that failure to report for the assessment at the stated date, time and location will result in denial of unemployment benefits. (Exhibit 1) Claimant does not recall when he received the December 2, 2019 notice, but typically receives mail from Des Moines, Iowa in two days and has no reason to believe that was not the case with this notice. (Claimant Testimony) Claimant did not read the notice until after December 11, 2019. (Claimant Testimony) Claimant did not report for the meeting on December 11, 2019. (Claimant Testimony) On December 16, 2019, an unemployment insurance decision was issued finding claimant was not eligible for benefits as of December 8, 2019, because he failed to report for the assessment on December 11, 2019.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant failed to report as directed. 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 but did not read the notice until after the assessment date. Therefore, claimant did not report for the assessment. Not reading mail is not a good cause reason for failing to report. Claimant is not able to and available for work because he failed to report as directed. Benefits are denied effective December 8, 2019.

DECISION:

The December 16, 2019 (reference 01) unemployment insurance decision is affirmed. Claimant failed to report and, thus, is not able to and available for work. Benefits are denied as of December 8, 2019.

Adrienne C. Williamson
Administrative Law Judge
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Decision Dated and Mailed

acw/scn