

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TIM R OGRADY**  
Claimant

**APPEAL 18A-UI-06846-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/18/18  
Claimant: Appellant (2R)**

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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 filed a timely appeal from the June 20, 2018, (reference 02) unemployment insurance decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was set for July 12, 2018. Claimant participated.

**ISSUE:**

Did the claimant fail to report as directed or offer a good cause reason for failure to do so?

**FINDINGS OF FACT:**

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: On June 8, 2018, a notice was mailed to the claimant to be available for a call from IWD on June 19, 2018, at 1:30 p.m. about a pension he reported receiving. The claimant was scheduled to take a skills assessment test at his local IWD office from noon to 4:00 p.m. that same day. Claimant had been told the skills assessment testing often did not take the entire time and thought he would be done by the time of the call. Claimant was not done, but had a break from the testing around 1:45 p.m. Claimant saw he had a missed call and voicemail from the fact-finder and immediately returned that call. The call went to voicemail, so the claimant left a message for the fact-finder explaining the scheduling conflict, but did not hear back. The issue involving claimant's pension still has not been resolved.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant has established a good cause reason for having failed to report as directed.

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:

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.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly in the individual's account at a financial institution or on a selected debit card.

(2) 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.

(3) 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.

Claimant was scheduled for skills testing at his local IWD office at the same time as his fact-finding interview. Claimant mistakenly believed he would be done with testing by the time of the call. Approximately 15 minutes after the IWD representative called, claimant returned the call, but received a voicemail. Claimant's call was not returned. Claimant has established a good cause reason for failing to report as directed.

**DECISION:**

The June 20, 2018, (reference 02) unemployment insurance decision is reversed. The claimant has established a good cause reason for failing to report as directed. Benefits are allowed effective June 17, 2018, provided he is otherwise eligible.

**REMAND:**

The underlying issue involving claimant's pension is remanded to the Benefits Bureau of Iowa Workforce Development for initial investigation and determination.

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Nicole Merrill  
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Decision Dated and Mailed

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