

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MELISSA M GLANN**  
Claimant

**APPEAL 18A-UI-02603-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/31/17  
Claimant: Appellant (2**

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 February 22, 2018, (reference 03) decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was set for March 21, 2018. The claimant participated personally and through an American Sign Language Interpreter (#5445) with Purple Video Relay Interpreter Services. Claimant Exhibit A was admitted into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**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: The claimant established an unemployment insurance claim with an effective date of December 31, 2017. While making her weekly continued claim for the week ending February 3, 2018, the claimant pressed the button indicating she was not able to and available for work. As a result, a notice was mailed to the claimant to be available on February 21, 2018 for a call from IWD about her availability for work. The claimant received the notice and uses a video phone because she is hearing impaired. The claimant attempted to answer her phone but missed the call. A voicemail was left for the claimant by the IWD representative stating a second call would be made. The voicemail did not leave the claimant a phone number to call back or indicate when a second attempt would be made. The second call was made while the claimant was participating in her child's parent-teacher conference. When the claimant realized she missed the call, she contacted IWD to try and explain what had happened. The claimant filed a weekly voice response claim and mistakenly pushed the button indicating she was not available for work.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the underlying issue was the result of a reporting error, and the claimant has established a good cause reason for having failed to report as directed.

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:

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.

(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 financial institution selected by 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.

The credible evidence presented is the claimant inadvertently pressed the incorrect button, indicating she was not able and available for work for the week ending February 3, 2018. The claimant missed the scheduled fact-finding interview when she was unable to accept the call to

her video phone and then missed a second call while she participated in parent-teacher conferences. Upon learning she had missed the call, the claimant attempted to contact IWD immediately to resolve the matter, unsuccessfully. The claimant has established a good cause reason for her failure to report. Accordingly, benefits are allowed, provided she is otherwise eligible.

**DECISION:**

The February 22, 2018, (reference 03) unemployment insurance decision is reversed. The claimant has established a good cause reason for failing to report as directed. The underlying issue was the result of a reporting error. Benefits are allowed effective February 18, 2018, provided she is otherwise eligible.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn