

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

SANDRA L PEAK
Claimant

APPEAL NO: 13A-UI-03696-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/10/12
Claimant: Appellant (2)

871 IAC 24.2(1)e – Failure to Report as Directed

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 19, 2013 determination (reference 04) that denied her benefits as of March 17, 2013, because she failed to report as directed. A hearing was scheduled on April 29, 2013. The issue the claimant appealed could be resolved based on her appeal letter. Therefore, a hearing was not necessary. Based on the administrative record and the law, the administrative law judge concludes the claimant is not ineligible to receive benefits as of March 17, 2013, if she had been filing weekly claims after the week ending February 16, 2013.

ISSUE:

Is the claimant ineligible to receive benefits as of March 17, 2013, because she failed to report as directed?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of June 10, 2012. The claimant reopened her claim during the week of January 20, 2013. When the claimant reopened her claim she reported she was temporarily working reduced hours and would soon return to her regular hours with her employer.

The claimant was not initially required to look for work after she reopened her claim. The claimant then filed for partial benefits for two weeks, the weeks ending February 2 and 9. The third week, the week ending February 16, the claimant called in her claim to show she was back working her normal hours. The claimant had no intention of receiving benefits for this third week. The claimant did not file any weekly claims after February 16, 2013.

On February 21, 2013, the claimant received a determination stating she was no longer temporarily unemployed and was required to look for work. After the claimant participated in a hearing on March 27, an administrative law judge concluded she was not required to look for work and was not temporarily unemployed. See decision for appeal 13A-UI-02425-ST.

In early March 2013 the claimant received a notice that she needed to complete an additional application for job search assistance and that her failure to report to her local Workforce office or complete an on-line application on or before March 15, 2013, could result in her being denied to receive benefits. The claimant immediately contacted her local Workforce office and talked to a representative. The representative advised the claimant not to do the job search application or just ignore the letter because she was not currently filing for partial benefits.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11). After the claimant received the early March notice, she contacted her local Workforce office and was told she did not have to do anything because she was not currently filing for partial benefits. The representative gave her correct advice. When the notice was sent, the claimant was not filing any weekly claims and she should not have received the notice in the first place. Also, if she had been filing weekly claims, a representative told her she did not have to do the job search application. The claimant is not denied benefits as of March 17 for failing to report as directed.

DECISION:

The representative's March 19, 2013 determination (reference 04) is reversed. The claimant was not filing weekly claims when the notice was sent and this notice should not have been sent to her. In late February or early March the claimant was not required to be able and available for work because she was not filing any weekly claims. Even if the claimant had been filing for partial benefits when the notice was sent, the claimant contacted her local Workforce office and was correctly advised that she did not have to complete a job search application.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/tll