

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELISA D MC COMBS**  
Claimant

**APPEAL NO: 14A-UI-04791-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/06/14  
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Availability for Work  
871 IAC 24.2(1)e – Failure to Report as Directed

**STATEMENT OF THE CASE:**

The claimant appealed a representative's May 2, 2014 determination (reference 02) that denied her benefits as of April 27, 2014, because she did not participate in a phone interview as directed by a Workforce representative. The claimant participated at the May 29 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is eligible to receive benefits as of April 27, 2014.

**ISSUE:**

Did the claimant fail to participate in a May 1 phone interview?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of April 6, 2014. When she filed her weekly claim for the week ending April 12, 2014, she inadvertently indicated she had refused work even though she had not.

As a result of the information the claimant provided for the week ending April 12, a representative sent her a notice that she would be called between 1 and 2 p.m. on May 1 to answer questions about her claim for the week ending April 12. The claimant waited for the May 1 call, but did not receive a call. The claimant did not know on May 1 that her phone was not working correctly. She could call out, but she did not receive incoming calls, text messages or voice mail messages. The claimant did not know a representative called her on May 1 to talk to her about refusing any work the week ending April 12.

When the claimant did not receive a call on May 1, she tried to contact the Benefits Section but was unable to get through. On May 6, the claimant talked to a claims representative. The claimant told the claims representative that her phone had not been working on May 1 and as a result did not know that anyone had called her that day. The claimant also reported that for the week ending April 12 she did not refuse any offer of work.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits he 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).

On May 1, the claimant expected and waited for a representative to call her. The claimant did not realize on May 1 that her phone was not working properly and she could not receive any incoming calls or voice mails messages. When the claimant did not receive a call on May 1, she tried to contact the Benefits Bureau but was unable to talk to anyone. Based on the facts in case, the claimant did not fail to report as directed. As of April 27, the claimant is eligible to receive benefits.

Also, the facts indicate the claimant did not refuse an offer of work. Instead, the claimant made a mistake and inadvertently reported she had refused work the week ending April 12 when she did not refuse any work during this week.

**DECISION:**

The representative's May 2, 2014 determination (reference 02) is reversed. The claimant established a reasonable explanation as to why she did not participate at May 1 phone interview. The claimant is eligible to receive benefits as of April 27, 2014, provided she meets all other eligibility requirements. The claimant did not refuse any offer of work during the week ending April 12, 2014.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs