

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALLISON R REAMS
Claimant

APPEAL 20R-UI-00132-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 05/19/19
Claimant: Appellant (4)**

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:

On November 14, 2019, Allison R. Reams (claimant) filed an appeal from the November 5, 2019, reference 03, 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 December 4, 2019. The claimant did not register a phone number prior to the start of the hearing or within fifteen minutes of the hearing start time. A default decision was issued. The claimant appealed to the Employment Appeal Board (EAB) who remanded the case for a new hearing. A new hearing notice was issued to the claimant for a telephone hearing held on January 27, 2020. The claimant participated. The administrative law judge took official notice of the fact-finding documents and the claimant information database.

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: A notice was mailed to the claimant to register for work, including an employer searchable resume, by November 1, 2019. The claimant believed she met the requirements and took no further action. On November 5, the agency issued an unemployment insurance decision, reference 03, finding the claimant had not met the work registration requirements and denied benefits effective November 3. On November 14, the claimant went to her local office to file an appeal and check her work registration. She was told at that time her work registration was complete and no further action was required. Agency records show the claimant's resume met the work registration requirements effective January 2, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant failed to report as directed and was not available for work from November 3 through November 16, 2019. Benefits are denied. The claimant has presented good cause for failing to report as directed effective November 17, 2019 and benefits are allowed, provided she is otherwise eligible.

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:

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.

The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's account at a financial institution or be paid by the mailing of a warrant on a biweekly basis.

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.

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 claimant received notice that she needed to register for work by November 1. She mistakenly believed her work registration was complete. The claimant failed to report as directed until November 14, when she reported to her local office to check on the status of her work registration. The claimant was told at that time that her registration was complete and no further action was required. Based on erroneous information from IWD, the claimant failed to take any further steps until January 2, 2020 when her work registration was complete. Therefore, benefits are denied from November 3 through November 16, 2019. Benefits are allowed effective November 17, 2019, provided the claimant is otherwise eligible.

DECISION:

The November 5, 2019, reference 03, unemployment insurance decision is modified in favor of the appellant. The claimant did not report as directed and benefits are denied November 3 through November 16, 2019. However, she has established a good cause reason for failing to report as directed effective November 17, 2019. Benefits are allowed effective November 17, 2019, provided she is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.



Stephanie R. Callahan
Administrative Law Judge

January 30, 2020
Decision Dated and Mailed

src/scn