

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CARRIE M GUTHEIL
Claimant

APPEAL 17A-UI-00880-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/25/16
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 January 23, 2017, (reference 02) decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was set for February 15, 2017. The claimant participated personally. 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: On January 6, 2017, a notice was mailed to the claimant to report to IWD about a separation from employment which the claimant reported when she filed her weekly continued claim for the week ending December 31, 2016. On January 17, 2017, the claimant went to her local IWD office, in Council Bluffs, and met with a representative who informed her that due to her fact-finding interview scheduled for January 19, 2017 about her separation from employment, she did not need to return the letter of inquiry. The issue of the claimant's separation is addressed in Appeal: 17A-UI-00879-JC-T.

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:

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.

It is unclear why the agency would send a notice of inquiry regarding a separation reported during the first week of filing a claim, as that is customary. However, since the claimant reported to the Council Bluffs IWD office on January 17, 2017 in response to the letter and prior to the due date, and was advised she did not have to submit the letter of inquiry form because she had a scheduled fact-finding interview on January 19, 2017 for the same issue, she has established a good cause reason for failing to report as directed, benefits are allowed, provided she is otherwise eligible.

DECISION:

The January 23, 2017, (reference 02) unemployment insurance decision is reversed. The claimant has established a good cause reason for failing to report as directed. The underlying issue appears to be the result of a reporting error. Benefits are allowed effective January 15, 2017, provided she is otherwise eligible. (See Appeal: 17A-UI-00879-JC-T.)

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs