

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TERESA J HENSLEY
Claimant

APPEAL 18A-UI-05266-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/25/18
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. -871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the May 1, 2018, (reference 03) decision that denied benefits effective April 22, 2018, finding the claimant had failed to report to the agency as directed. After due notice was issued, a hearing was held by telephone conference call on May 24, 2018. Claimant participated.

ISSUE:

Did the claimant fail to report to Iowa Workforce Development Department (IWD) as directed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of February 25, 2018. For the week ending April 14, 2018, when making her weekly claim for benefits, the claimant inadvertently indicated that she was not able to and available for work. The claimant's testimony that she was available for work the week ending April 14, 2018 is credible. Because the claimant indicated that she was not able to and available for work, the agency set up a fact-finding interview so they could discuss with claimant her status. On April 19, 2018, a notice was mailed to the claimant telling her to be available for a call from IWD on April 25, 2018, to discuss her availability for work the week ending April 14, 2018. Claimant never received the notice of the fact-finding interview. The claimant did not receive a call or a voice mail from the fact-finder on April 25, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has established a good cause reason for having failed to report as directed.

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.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly on a debit card specified by the department.

(2) The department retains the ultimate authority to choose the method of reporting and payment.

Iowa Admin. Code r. 871-24.6(1-6) provides:

Profiling for reemployment services.

(1) The department of workforce development and the department of economic development will jointly provide a program which consists of profiling claimants and providing reemployment services.

(2) Profiling is a systematic procedure used to identify claimants who, because of certain characteristics, are determined to be permanently separated and most likely to exhaust benefits. Such claimants may be referred to reemployment services.

(3) Reemployment services may include, but are not limited to, the following:

- a. An assessment of the claimant's aptitude, work history, and interest.
- b. Employment counseling regarding reemployment approaches and plans.
- c. Job search assistance and job placement services.
- d. Labor market information.
- e. Job search workshops or job clubs and referrals to employers.
- f. Résumé preparation.
- g. Other similar services.

(4) As part of the initial intake procedure, each claimant shall be required to provide the information necessary for profiling and evaluation of the likelihood of needing reemployment assistance.

(5) The referral of a claimant and the provision of reemployment services is subject to the availability of funding and limitations of the size of the classes.

(6) A claimant shall participate in reemployment services when referred by the department unless the claimant establishes justifiable cause for failure to participate or the claimant has previously completed such training or services. Failure by the claimant to participate without justifiable cause shall disqualify the claimant from the receipt of benefits until the claimant participates in the reemployment services.

a. Justifiable cause for failure to participate is an important and significant reason which a reasonable person would consider adequate justification in view of the paramount importance of reemployment to the claimant.

b. Reserved.

This rule is intended to implement Iowa Code section 96.4(7).

The claimant did not know she was to participate in a fact-finding interview as she never received the notice. Non-receipt of the notice is a good-cause reason for a failure to report as directed. The underlying issue as to whether the claimant was able to and available for work has been resolved in another case. Benefits are allowed.

DECISION:

The May 1, 2018, (reference 03) decision is reversed. The claimant has established a good cause reason for failing to report as directed. Benefits are allowed effective April 22, 2018, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/scn