

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

VALERIE S TULIP
Claimant

APPEAL 17A-UI-06624-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/26/16
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 an appeal from the June 26, 2017, (reference 02) unemployment insurance decision that denied benefits because of a failure to report as directed. The claimant was properly notified about the hearing. A telephone hearing was held on July 18, 2017. The claimant participated personally. Claimant Exhibits A and B were admitted into evidence. 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 June 16, 2017, a notice was mailed to the claimant to be available for a call from IWD reporting on her weekly continued claim that she quit work the week ending June 10, 2017. The call was scheduled with the claimant on June 23, 2017 at 2:15 p.m. and the claimant had a second fact-finding interview scheduled at June 23, 2017 at 2:30 p.m. to include the employer that she had quit. The claimant had a scheduled appointment and missed the call initially but had sent in an email prior to the call per instructions, and then returned the call within 15 minutes. She spoke to IWD representative, Crystal, who took her statement. The underlying issue of separation was addressed in the reference 01 decision, dated June 26, 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the underlying issue has been addressed administratively through the reference 02 decision, and the claimant has established she did 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.

The claimant responded to the fact-finding interview by submitting a written statement prior to the scheduled call. She also responded to a voicemail within fifteen minutes of the call, spoke to the representative and gave her statement verbally. The underlying issue of whether the claimant quit her employment was addressed in the reference 01 decision, rendered June 26, 2017. Therefore, based on the evidence presented, the administrative law judge concludes the claimant did report as directed, both in writing and verbally, and the underlying issue has been resolved. Therefore, the claimant is allowed benefits, provided she is otherwise eligible.

DECISION:

The June 26, 2017, (reference 02) unemployment insurance decision is reversed. The claimant has established she reported as directed. The underlying issue of separation was addressed in the reference 02 decision. Benefits are allowed effective June 10, 2017, provided she is otherwise eligible. (See Appeal 17A-UI-06623-JC-T).

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn