

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALLISON M MCCAULEY
Claimant

APPEAL 16A-UI-10433-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/24/16
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:

The claimant/appellant filed an appeal from the September 20, 2016 (reference 04) unemployment insurance decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was held on October 7, 2016. Claimant participated. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits file including the fact finding documents.

ISSUES:

Is the claimant able to work and available for work effective September 18, 2016?
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 be available for a call from IWD on September 19, 2016 at 1:45 p.m. Claimant mailed a letter to the department on September 15, 2016 stating that she was having a medical procedure completed on this date and would like to have the telephone call rescheduled. The claimant did not participate in the telephone call on September 19, 2016 because she was having a medical procedure completed.

On Tuesday, September 27, 2016 claimant had another medical procedure completed and she was unable to work that week. Claimant did not make any work searches for the benefit week ending October 1, 2016 due to her medical issues. Claimant is able to and available for work beginning October 2, 2016.

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 but was unable to work for the one benefit week period ending October 1, 2016.

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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 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.

An individual claiming benefits must be able to work, available for work, and actively and earnestly seeking work. Since claimant has established a good cause reason for failing to report as directed, benefits are allowed on that basis; however, claimant was unable to work for a one week period during the benefit week ending October 1, 2016.

DECISION:

The September 20, 2016, (reference 04) decision is modified in favor of appellant. The claimant has established a good cause reason for failing to report as directed. Benefits are allowed effective September 18, 2016, provided the claimant is otherwise eligible. However, benefits are denied for the one benefit week period ending October 1, 2016 because the claimant was unable to work during that one week period.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

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