

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHELLEY R PALMER
Claimant

APPEAL 21A-UI-18725-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/23/21
Claimant: Appellant (4R)**

Iowa Code § 96.4(3) – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 18, 2021 (reference 01) unemployment insurance decision that allowed benefits effective August 8, 2021 finding that the claimant had provided identity verification forms. After due notice was issued, a telephone hearing was held on October 14, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUES:

Was the claimant able to work and available for work May 23, 2021?
Did the claimant fail to report as directed by a department representative?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: Claimant filed an original claim for unemployment insurance benefits effective May 23, 2021 after her previous benefit year had expired. On July 2, 2021, a letter was mailed to the claimant instructing her to provide documentation to verify her identity. The claimant provided the requested documentation online prior to the July 8, 2021 due date listed in the letter. Claimant was able to work and available for work from May 23, 2021 through July 31, 2021. Claimant filed weekly-continued claims for benefits from May 23, 2021 through July 31, 2021. She found employment effective September 1, 2021.

The issue of whether the claimant worked in and was paid sufficient insured wages to be eligible for benefits in a second claim year pursuant to Iowa Code § 96.4(4) will be remanded to the Benefits Bureau for an initial investigation and determination.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code section 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 96.1A, subsection 37,

paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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.

(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.

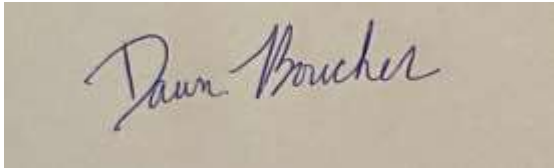
Claimant has credibly testified that she provided documentation to verify her identity prior to the deadline listed in the July 2, 2021 letter. As such, claimant has established that she was able to work and available for work effective May 23, 2021. Benefits are allowed effective May 23, 2021, provided the claimant remains otherwise eligible.

DECISION:

The August 18, 2021 (reference 01) decision is modified in favor of the appellant. The claimant has established she reported as directed to do so and was able to work and available for work effective May 23, 2021. Benefits are allowed effective May 23, 2021 through July 31, 2021, provided the claimant remained otherwise eligible.

REMAND:

The issue of whether the claimant worked in and was paid sufficient insured wages to be eligible for benefits in a second claim year pursuant to Iowa Code § 96.4(4) will be remanded to the Benefits Bureau for an initial investigation and determination.

A photograph of a handwritten signature in blue ink on a light-colored background. The signature reads "Dawn Boucher" in a cursive script.

Dawn Boucher
Administrative Law Judge

October 20, 2021
Decision Dated and Mailed

db/ol