

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

DANA L LACQUEMENT
Claimant

APPEAL NO. 11A-UI-01716-M2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/14/10
Claimant: Appellant (1)

Section 96.4-3 – Able and Available
871 IAC 24.2(1)E – Failure to Report

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 2, 2011, reference 01, which held claimant not able and available for work due to a failure to report. After due notice, a telephone conference hearing was scheduled and held on March 12, 2011.

ISSUE:

The issue in this matter is whether claimant failed to report and thus is not able and available.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds:

The claimant is temporarily unemployed on a seasonal basis. The claimant was directed to report. The claimant failed to respond to the notice to report.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 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 and the payment of benefits, provided the individual is otherwise eligible, shall be on a biweekly basis by mail if the claimant files a Form 60-0151.

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 financial institution's account 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 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".

The claimant failed to report to his local office as directed. For the reasons that follow, the administrative law judge concludes the claimant has not established a good cause reason for having failed to report for reemployment services. The claimant failed to report to his local office as directed. Benefits are withheld.

DECISION:

The decision of the representative dated February 2, 2011, reference 01 is affirmed. Benefits shall be withheld effective January 30, 2011.

Stan McElderry
Administrative Law Judge

Decision Dated and Mailed

srm/pjs