

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SARAH WHEELER
Claimant

APPEAL 17A-UI-10371-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 04/23/17
Claimant: Appellant (2R)**

Iowa Code § 96.4(3) - Able and Available
871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the October 5, 2017, (reference 05) decision that denied benefits effective October 1, 2017. After due notice was issued, a hearing was held by telephone conference call on October 25, 2017. Claimant participated.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: During the week ending September 16, 2017 when the claimant made her weekly continuing claim for benefits she indicated that she had quit a job that week. Because of that, the agency scheduled a fact-finding interview with her for October 4, 2017. The claimant had moved prior to the fact-finding interview taking place. Her forwarded mail did not arrive at her new address until October 6, after the fact-finding was over.

The claimant did have employment and a separation from employment with Progress Processing, a part of Hormel Corporation, during the week ending September 16, 2017. There has been no fact-finding held on her employment and separation from employment from that employer.

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.

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. 871-24.6(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 receive the notice of fact-finding in time to participate in the fact-finding interview. Non-receipt of the notice is a good-cause reason for a failure to report as directed. Benefits are allowed, provided the claimant is otherwise eligible.

REMAND:

The separation from employment outlined above in the Findings of Fact, is remanded to the Unemployment Insurance Service Center for an initial review and determination.

DECISION:

The October 5, 2017, (reference 05) decision is reversed. The claimant has established good cause reason for failing to report as directed. Benefits are allowed effective October 1, 2017, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs