

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHAKIRA S PALMARES**  
Claimant

**APPEAL 18A-UI-10055-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 08/05/18  
Claimant: Appellant (4)**

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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:**

Shakira S. Palmares (claimant) filed a timely appeal from the September 26, 2018, 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 19, 2018 and consolidated with the hearings for appeals 18A-UI-10054-SC-T and 18A-UI-10056-SC-T. The claimant participated. No exhibits were offered into the record.

**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 September 18, 2018, a notice was mailed to the claimant to be available for a call from Iowa Workforce Development (IWD) on September 25 about her availability for work the week ending September 15. The claimant received the notice, but mistakenly believed she did not need to participate as she had a fact-finding interview earlier about her separation and discarded the notice. The fact-finder contacted the claimant's phone number of record, but it had been disconnected and the fact-finder was unable to leave a message.

The claimant contacted IWD on October 4, when she discovered her weekly unemployment insurance benefits had not been deposited on her debit card. She learned she had reported she was not able to and available for work the week ending September 15 which was the purpose of the fact-finding interview and updated her phone number with IWD.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was not available for work during the week-ending September 29, 2018 because she failed to report as

directed and benefits are denied. Benefits are allowed effective September 30, 2018, provided she is otherwise eligible, because she reported to IWD that week to discuss the issue.

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 received notice to be available for a phone call from IWD during the week ending September 29, 2018. She did not make herself available for that phone call. Therefore, she is not able to meet the availability requirements and benefits for that week are denied.

The claimant reported to IWD to address the issue and update her contact information on October 4, 2018. Therefore, benefits are allowed effective September 30, 2018, provided she is otherwise eligible.

**DECISION:**

The September 26, 2018, reference 04, unemployment insurance decision is modified in favor of the appellant, in this case the claimant. The claimant cannot meet the availability requirements for the week ending September 29, 2018 as she did not report as directed by an agency representative. Benefits are denied for that week. She reported to IWD the following week. Benefits are allowed effective September 30, 2018, provided she is otherwise eligible.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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