

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JUDIE M RUSSELL**  
Claimant

**APPEAL 17A-UI-05055-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/19/17**  
**Claimant: Appellant (2)**

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 May 5, 2017, (reference 01) decision that denied benefits effective April 30, 2017 due to the claimant's failure to report as directed. After due notice was issued, a hearing was held by telephone conference call on May 30, 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 April 22, 2017 when filing her weekly claim for benefits the claimant mistakenly indicated that she had turned down an offer of work during the week. The agency sought more information from the claimant about the answer she provided. A notice of a fact-finding interview was mailed to the claimant on April 27, 2017 telling her that a fact-finder would be calling her on May 4, 2017 at 8:30 a.m. to ask about why she indicated she had refused a job offer during the week ending April 22, 2017. The claimant had a medical problem and missed the call. The fact-finder had left her a voice mail message which the claimant returned around 11:00 a.m. that same day. The claimant did not receive the fact-finder's return call at 11:11 a.m.

**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 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 had a medical issue that caused her to miss the first call from the fact-finder. When she received the voice mail message left by the fact-finder she returned the call, but did not hear back from the fact finder. The claimant has established a good cause reason for her failure to report for the fact-finding interview.

The claimant did not refuse a suitable offer of work during the week ending April 22, 2017; she merely made a typo when filing her weekly continued claim. Since claimant has established a good cause reason for failing to report as directed, and since she did not refuse an offer of work, benefits are allowed effective April 30, 2017 provided the claimant is otherwise eligible.

**DECISION:**

The May 5, 2017, (reference 01) decision is reversed. The claimant has established a good cause reason for failing to report as directed. Benefits are allowed effective April 30, 2017, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/rvs