

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSH D WILSON
Claimant

APPEAL 19A-UI-06551-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 02/17/19
Claimant: Appellant (4)**

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:

On August 19, 2019, Josh D. Wilson (claimant) filed an appeal from the August 7, 2019, reference 04 unemployment insurance decision that denied benefits effective July 28, 2019 because he failed to report as directed. After due notice was issued, a telephone conference hearing was held on September 11, 2019 and consolidated with the hearing for appeal 19A-UI-06650-SC-T. The claimant participated. The administrative law judge took official notice of the administrative record, specifically the fact-finding documents.

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: Iowa Workforce Development (IWD) mailed a notice to the claimant to be available for a call from IWD on August 1, 2019 about his availability for work. He did not report because he does not regularly check his mail and did not receive the notice before the phone call. He also did not answer when the fact-finder called because he thought it was a telemarketer and he does not listen to his voice messages. On or about August 19, the claimant received the unemployment insurance decision stating that benefits had been denied. He then contacted his local office and filed his appeal regarding the issue of whether he is able to and available for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has not established a good cause reason for having failed to report as directed. Benefits are denied from July 28 through August 17, 2019 due to a failure to report.

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 has not established that his failure to report was due to the any action or misinformation of IWD or delay by the United States Postal Service. The claimant has not established a good cause reason for failing to report as directed. The claimant did report on or about August 19. Benefits are denied from July 28 through the week ending August 17, 2019.

DECISION:

The August 7, 2019, reference 04, unemployment insurance decision is modified in favor of the claimant. The claimant has not established a good cause reason for failing to report as directed the week of July 28, 2019. However, he did report to IWD the week of August 18, 2019. Benefits are denied effective July 28, 2019, through August 17, 2019.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn