

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAWN M REICHERTS
Claimant

APPEAL 17A-UI-08077-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 05/07/17
Claimant: Appellant (2)**

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:

The claimant filed an appeal from the August 7, 2017, (reference 03), unemployment insurance decision that denied benefits because of a failure to report as directed. After due notice was issued, a telephone conference hearing was scheduled to be held on August 28, 2017. Claimant participated.

ISSUE:

Did the claimant fail to report as directed or offer a good cause reason for failure to do so?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant mistakenly indicated he was not able to or available for work when filing his continued claim for the week ending July 22, 2017. On July 27, 2017, a notice was mailed to the claimant to be available for a call from IWD on August 3, 2017, about his availability for work for the week ending July 22, 2017. On Monday, July 31, 2017, claimant called the agency and spoke to a customer service representative. Claimant attempted to resolve the issue, but the representative informed him the issue could not be resolved over the phone and he would need to file an appeal. Claimant missed the phone call on August 3, 2017, for unknown reasons. Claimant attempted again to resolve the issue over the phone after he received the August 7, 2017, decision denying him benefits but was again instructed to file an appeal.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the underlying issue was the result of a reporting error, and the claimant has established he did attempt to resolve the issue in a timely manner.

Iowa Code section 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. 871-24.23(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.

Since the underlying issue was the result of a reporting error and claimant attempted to resolve the issue as soon as he received the notice, but was unable to do so, claimant has established a good cause reason for failing to report as directed, benefits are allowed.

DECISION:

The August 7, 2017, (reference 03) unemployment insurance decision is reversed. The claimant has established a good cause reason for failing to report as directed. The underlying issue was the result of a reporting error. Benefits are allowed effective July 30, 2017, provided he is otherwise eligible.

Christine A. Louis
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Decision Dated and Mailed

cal/scn

