

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MELINDA J LEGGINS**  
Claimant

**APPEAL 17A-UI-05576-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/16/17**  
**Claimant: Appellant (2R)**

Iowa Code § 96.4(3) – Ability to and Availability for Work  
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:**

Claimant filed a timely appeal from the May 24, 2017, (reference 01) decision that denied benefits finding that the claimant had failed to report as directed. After due notice was issued, a hearing was held by telephone conference call on June 13, 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: The claimant accurately indicated she had refused a job offer when she made her weekly continuing claim for the week ending April 29, 2017. Because she indicated that she had refused an offer of work IWD scheduled her for a fact-finding interview on May 11, 2017. The claimant received notification of the interview and did participate in the fact-finding interview by providing the fact-finder details of the offer she had refused. At that time the fact-finder told her that another interview would need to be scheduled with the offering employer to confirm the details of the offer that had been made to her. The claimant spoke to the fact-finder beginning at 2:29 p.m. and the interview lasted for 5 minutes and 22 seconds. The claimant did not receive notification of a second fact-finding interview but instead, received the decision telling her she had failed to report as directed by IWD.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant has established she did not fail 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 did not fail to report as directed. She participated in the fact-finding interview. For some reason the fact-finder indicated that the claimant did not participate and denied benefits. Benefits are allowed.

#### **REMAND:**

The issue as to whether the claimant refused a suitable offer of work is remanded to the UISC for a review and determination.

**DECISION:**

The May 24, 2017, (reference 01) decision is reversed. The claimant has established she did not fail to report as directed. Benefits are allowed effective May 7, 2017.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/rvs