

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NATHAN TEFFT
Claimant

APPEAL 22A-UI-11907-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 03/27/22
Claimant: Appellant (02)**

Iowa Code § 96.4(3) - Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 5, 2022, (reference 03) unemployment insurance decision that denied benefits because of a failure to report as directed and not being able to or available for work. After due notice was issued, a telephone conference hearing was set for June 20, 2022. Claimant participated. No exhibits were offered or admitted.

ISSUES:

Did the claimant fail to report as directed or offer a good cause reason for failure to do so?
Is the claimant able to work and available for work the week-ending April 16, 2022?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant did attend the remote meeting the last week of April 10 – April 16, 2022. The claimant filed a weekly continued claim and made a keystroke error indicating he was not available for work. Upon receipt of the notice claimant called IWD to correct the record.

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 was able to and available for work.
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. 871-24.2(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.

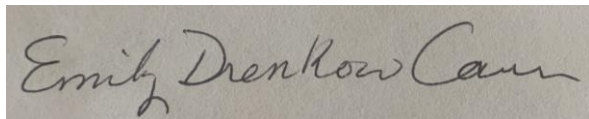
The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's account at a financial institution or be paid by the mailing of a warrant on a biweekly basis.

...
The department retains the ultimate authority to choose the method of reporting and payment.

Since the claimant erroneously report he was not able to and available to work, the claimant called to correct his mistake, claimant was able to and available to work and benefits are allowed.

DECISION:

The May 6, 2022, (reference 03) unemployment insurance decision is reversed. The claimant has established his ability to and availability for work. The underlying issue was the result of a reporting error. Benefits are allowed for the week-ending April 16, 2022, provided he is otherwise eligible.



Emily Drenkow Carr
Administrative Law Judge

June 23, 2022
Decision Dated and Mailed

ed/mh