

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KEVIN JENSEN
Claimant

APPEAL 19A-UI-08769-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/18/19
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
Iowa Code § 96.6(2) – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 17, 2019, (reference 05), unemployment insurance decision that denied benefits based upon claimant's failure to report to the department as directed. After due notice was issued, a telephone conference hearing was scheduled to be held on December 6, 2019. Claimant participated. Official notice is taken of the administrative record.

ISSUE:

Should the unemployment insurance decision be affirmed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been resolved in favor of the appellant by the reference 09 unemployment insurance decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the unemployment insurance decision should be reversed.

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".

In this case, the reference 09 decision found that claimant provided a good reason for failing to report to the department as directed and his claim has been unlocked. Since the decision appealed has been resolved in favor of the appellant, the original unemployment insurance decision bearing reference 05 is reversed.

DECISION:

The October 17, 2019, (reference 05) unemployment insurance decision is reversed. Benefits are allowed, provided claimant is otherwise eligible, provided the claimant is otherwise eligible.



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Administrative Law Judge
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December 9, 2019
Decision Dated and Mailed

cal/scn