

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

CHARLES L SALTOU
Claimant

APPEAL NO: 19A-UI-00878-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/23/18
Claimant: Appellant (2R)

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 January 31, 2019, (reference 03) unemployment insurance decision that denied benefits because of a failure to report as directed. The claimant was properly notified about the hearing. A telephone hearing was held on February 14, 2019. The hearing was held as a consolidated hearing with Appeals 19A-UI-00877-JC-T and 19A-UI-00876-JC-T. The claimant participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

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: The claimant established a claim effective December 23, 2018 in response to a seasonal layoff. He is a truck driver. He is not expected to return to work until April 2019. Administrative records reflect his group code status is "3", which indicates he is on a temporary layoff.

The claimant reported when filing his weekly continued claim that he received a pension, which triggered a fact-finding interview to be scheduled for January 24, 2019 at 10:10 a.m. The claimant missed the phone call and made attempts immediately to contact the Workforce Advisor. The claimant stated these attempts were within fifteen minutes of the scheduled interview. He also called the Des Moines local office for guidance and was informed he would have to wait for the initial decision and could appeal the matter. The issue of whether the claimant's pension is deductible remains unresolved.

Following the missed interview, the reference 02 decision dated January 29, 2019 was rendered, concluding the claimant was ineligible for benefits effective January 20, 2019 because he failed to report as directed by a department representative. The following day, on January 30, 2019, the reference 01 initial decision was rendered, concluding the claimant was ineligible for benefits effective January 20, 2019 because he failed to report as directed by a department representative.

On January 31, 2019, the reference 03 and reference 04 decisions were rendered. The reference 03 decision amended the reference 01 decision, concluding the claimant was ineligible for benefits effective January 20, 2019 because he failed to report as directed by a department representative. The only difference between the two documents was the reference 01 decision listed the employer account number as 000000-000, and the reference 03 decision listed the employer account number as 999999-999. The reference 04 decision declared the reference 02 initial decision to be null and void.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the underlying issue was not the result of a reporting error, and the claimant has established a good cause reason for having failed to report as directed.

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

In this case, the claimant received the notice to report and intended to participate in the scheduled fact-finding interview. When he missed the phone call, he called back within fifteen minutes of the scheduled call and was told by an IWD representative that he could appeal the representative's decision. The claimant made a good faith effort to participate and responded to the call within a reasonable amount of time to its scheduled time. Based on the evidence presented, the administrative law judge is persuaded the claimant has established a good cause reason for failing to report as directed, benefits are allowed, provided he is otherwise eligible.

REMAND: The following issues are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination:

1. Whether the claimant's pension is deductible from benefits?
2. Whether the claimant is partially or totally unemployed?
3. Whether the claimant must make work search contacts because his layoff exceeds four weeks? (This would include possible modification of the claimant's group code.)

DECISION:

The January 31, 2019, (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 not the result of a reporting error. Benefits are allowed effective January 20, 2019, provided he is otherwise eligible.

REMAND: The issues of partial versus total unemployment and whether the claimant is required to make work search contacts since his layoff exceeds four consecutive weeks are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination. The issue of whether the claimant's pension is deductible is also remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn