

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HOLLY G MORGAN
Claimant

APPEAL NO. 08A-UI-11258-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/06/08 R: 04
Claimant: Appellant (3/R)

Section 96.4-3 – Able to and Available for Work

STATEMENT OF THE CASE:

Holly G. Morgan (claimant) appealed a representative's November 25, 2008 decision (reference 02) that concluded she was not eligible to receive benefits as of November 23, 2008, because she did not report to her local Workforce office as directed. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 29, 2008. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant fail to report to her local Workforce office as directed?

Is the claimant able to and available for work?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 6, 2008. The claimant established her claim for emergency unemployment compensation (EUC) during the week of July 20, 2008.

The claimant filed claims for the weeks ending October 25 through December 20, 2008. At this same time the claimant's mother was very ill. On October 22, 2008, the claimant decided taking care of her mother was her first priority. The claimant was unavailable for work October 22 through December 20, 2008.

The claimant received a letter of inquiry from the Department asking her to explain why she reported she was not available to work the week ending October 25, 2008. The claimant timely responded to the letter of inquiry.

On December 1, 2008, the claimant received a representative's November 25, 2008 decision indicating she was not eligible to receive benefits as of November 23, 2008, because she had

not reported to her Workforce office as directed. The claimant never received a notice she was required to report to her local Workforce office.

On December 2, 2008, the claimant went to her local Workforce office to find out why she had received the November 25, 2008 representative's decision. The Workforce representative could not explain the decision, but instructed the claimant to file an appeal to resolve the matter. The claimant filed her appeal on December 2, 2008.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she 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's failure to report as directed without justifiable cause shall make a claimant ineligible to receive benefits until she reports as a representative had directed her to do. Justifiable cause is defined as an important and significant reason that a reasonable person would consider adequate. The facts indicate the claimant did not receive a notice to report to her local Workforce office during the week of November 23, 2008. As a result, she cannot be held ineligible to receive benefits for failing to report to her local Workforce office as directed.

The claimant, however, reported she was not available for work the week ending October 25, 2008. The evidence indicates the claimant was not available for work for the weeks ending October 25 through December 20 because the claimant cared for her terminally ill mother until she passed away on December 12, 2008. As of December 21, 2008, the claimant established she was available for work and is eligible to receive benefits as of this date provided she meets all other eligibility requirements.

The record indicates the claimant received benefits for the weeks ending October 25 through November 15, 2008. Therefore, the issue of overpayment is remanded to the Claims Section to determine.

DECISION:

The representative's November 25, 2008 decision (reference 02) is reversed. Since the claimant did not receive a notice to report to her local Workforce office, she cannot be held ineligible to receive benefits on this basis. However, the claimant was not available for work the weeks ending October 25 through December 20, 2008, because she was caring for her mother. Since the claimant was not available for work these weeks, she is not eligible to receive benefits for the weeks ending October 25 through December 20, 2008. As of December 21, 2008, the

claimant is available for work and is eligible to receive benefits as long as she meets all other eligibility requirements. The issue of overpayment is remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css