

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MEGAN K FITZGERALD**  
Claimant

**APPEAL 21A-UI-24438-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/30/21  
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

**STATEMENT OF THE CASE:**

The claimant/appellant, Megan K. Fitzgerald, filed an appeal from the October 29, 2021 (reference 07) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 3, 2022. The following four appeals were held together: 21A-UI-24434-JC-T, 21A-UI-24435-JC-T, 21A-UI-24436-JC-T and 21A-UI-24438-JC-T. The claimant participated. The administrative law judge took official notice of the administrative records. 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: Claimant established her claim for unemployment insurance benefits with an effective date of May 30, 2021.

Claimant was aware she was required to complete weekly job search contacts. Claimant kept a job search log of her contacts. For the period of September 5 through 25, 2021, claimant erroneously pressed “no” to the question of whether she was able to an available for work that week when making a weekly continued claim. Claimant also erroneously answered/pressed she had made “0” job search contacts for the weeks ending September 18 and 25, 2021. Claimant was not using her usual computer and had no other explanation for the mistake. She did present evidence of making her job search contacts upon request to the administrative law judge.

Claimant moved in late August 2021 but continued to receive mail at her prior address of record. The father of her children updated her with mail as he received it, and as she coordinated mail

being forwarded. Claimant asked in an October 11, 2021 appeals hearing that her address be updated and believed it had been based upon communicated with the administrative law judge. Administrative records do not show the address was updated by IWD until November 1, 2021. As a result, a notice of fact-finding interview was mailed to claimant's (old) address of record on October 15, 2021 for a fact-finding interview to be held on October 28, 2021. Claimant did not receive the notice until after the interview occurred. Claimant did not receive a voicemail as represented in administrative records after missing the interview. Claimant has been otherwise able and available for work.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant established good cause for her failure to report to IWD.

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 who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

Claimant in this case made a good faith effort to notify IWD of her address change on October 11, 2021. A notice of fact-finding interview was mailed to her old address of record and as a result she did not timely receive notice of the interview.

Claimant credibly testified she pressed the incorrect button when answering her weekly continued claim question regarding whether she was able to and available for work and number of work search contacts during the period of September 5, 2021 and September 25, 2021. She presented sufficient evidence to establish she made her weekly job search contacts and was otherwise able and available for work.

Since she did not receive the notice prior to the interview, the claimant has established a good cause reason for failing to report as directed. Benefits are allowed, provided she is otherwise eligible.

**DECISION:**

The October 29, 2021 (reference 07) initial decision is reversed. The claimant has established a good cause reason for failing to report as directed. The underlying issue was the result of a reporting error. Benefits are allowed, provided she is otherwise eligible.



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January 27, 2022

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Decision Dated and Mailed

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