

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREW EASTON
Claimant

APPEAL NO. 17A-UI-01812-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/25/16
Claimant: Appellant (2)

871 IAC 24.2(1)e – Failure to Report
Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Andrew Easton (claimant) appealed a representative's February 13, 2017, decision (reference 04) that concluded he had failed to respond to a letter of inquiry and was, therefore, not eligible to receive unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on March 8, 2017. The claimant participated personally. The claimant offered and Exhibit A was received into evidence.

ISSUE:

The issue is whether the claimant failed to report as directed.

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: On January 25, 2017, a letter of inquiry was mailed to the claimant to respond to IWD by February 6, 2017. The claimant received the letter late and returned it at his earliest opportunity, February 17, 2017.

The letter of inquiry asked the claimant about his response to his work searches for the week ending January 21, 2017. On the letter of inquiry the claimant indicated that his response was in error. He noted that he had made work searches through his union. IWD had not coded the claimant's claim correctly to reflect his union work search requirement. The claimant was able and available for work for the week ending January 21, 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has established a good cause reason for having failed to report as directed.

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.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

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

Iowa Admin. Code r. 871-24.23(11) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(11) Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

The claimant was directed to report to the Agency within ten days of January 25, 2017. The claimant did not report to the Agency. When a claimant does not report as directed by a letter of inquiry, he will not be qualified to receive benefits. The claimant provided a good reason for not reporting. He was able and available for work for the week ending January 21, 2017. Benefits are allowed as of February 5, 2017, provided the claimant is otherwise eligible.

DECISION:

The representative's February 13, 2017, decision (reference 04) is reversed. Benefits are allowed as of February 5, 2017, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs