

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID C VIGEN
Claimant

APPEAL NO: 11A-UI-09876-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/29/11
Claimant: Appellant (2)**

871 IAC 24.2(1)e – Fail to Report as Directed

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 22, 2011 determination (reference 01) that denied him benefits as of July 17, 2011, because he failed to report to his local Workforce office as directed. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant remains eligible to receive benefits as of July 17, 2011.

ISSUE:

Should the claimant be denied benefits as of July 17, 2011, because he failed to participate in a phone interview?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of May 29, 2011. On July 11, the Department mailed a notice that the claimant was scheduled for a phone interview on July 21, 2011. The claimant did not receive notice of this interview until July 26. He went out of town before he received the July 11 notice and did not return until July 26.

When the claimant went to his local Workforce office on July 27, no one asked him about a pension he received from an employer who is not a base period employer. The local Workforce office directed the claimant to file his appeal on July 27.

REASONING AND CONCLUSIONS OF LAW:

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's failure to report as directed without justifiable cause shall make a claimant ineligible to receive benefits until he 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.

Since the claimant did not receive notice that he was scheduled for a phone interview on July 21, he did not fail to participate in an interview he knew nothing about. When the claimant went to his local Workforce office on July 27, information about his pension could have been obtained, but was not. As of July 17, 2011, the claimant remains eligible to receive benefits.

DECISION:

The representative's July 22, 2011 determination (reference 01) is reversed. A claimant cannot fail to participate in a telephone interview when he has not received notice about the scheduled interview. Therefore, the claimant remains eligible to receive benefits as of July 17, 2011.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs