

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS J SANCHEZ
Claimant

APPEAL NO: 11A-UI-13079-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/12/11
Claimant: Appellant (4/R)

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's September 29, 2011 determination (reference 02) that denied him benefits as of September 11, 2011, because he had not reported or registered as he had been directed to do. A hearing was scheduled on October 27, 2011. The claimant responded to the hearing notice, but the administrative law judge was unable to contact him for the hearing at the phone number he provided. Based on the administrative record and the law, the administrative law judge finds the claimant is not eligible to receive benefits September 11 through October 1, 2011.

ISSUE:

Did the claimant fail to report or register as directed?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of June 12, 2011. On August 22, a notice was mailed to the claimant. The notice informed him that he needed to complete an additional application for job search assistance. The claimant could do this either online or by reporting to his local Workforce office on or before September 12, 2011.

The claimant did not register until October 4, 2011. He filed claims for the weeks ending September 17, 24 and October 1. He received benefits for the weeks ending September 17 and 24.

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 him to do. Justifiable cause is defined as an important and significant reason that a reasonable person would consider adequate.

The record does not indicate why the claimant waited until October 4 to register or complete additional paperwork. As a result of failing to follow directions to register or complete an additional application on or before September 12, the claimant is not eligible to receive benefits for the weeks ending September 17 through October 1, 2011.

Since the claimant received benefits for the weeks ending September 17 and 24, an issue of overpayment will be remanded to the Claims Section to determine.

DECISION:

The representative's September 29, 2011 determination (reference 02) is modified in the claimant's favor. The claimant failed to report to his Workforce office or complete an additional application for job search assistance as he was directed to do. Therefore, the claimant is not eligible to receive benefits for the week ending September 17 through October 1, 2011. An issue of overpayment for benefits he received for the weeks ending September 17 and 24 is **Remanded** to Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css