

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFF T PATTERSON
Claimant

APPEAL NO: 13A-UI-11565-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/30/12
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated October 11, 2013, reference 02, that made him ineligible for benefits for the week ending October 12 due to failing to report. A telephone hearing was held on October 25, 2013. The claimant participated.

ISSUE:

The issue is whether the claimant failed to report.

FINDINGS OF FACT:

The administrative law judge having heard the claimant's testimony and having considered the evidence in the record finds: The claimant filed an unemployment claim effective December 30, 2012. He was coded group 3 for work search that is temporary lay-off status, and does not require it. The department mailed a notice to claimant about a routine audit to be available for a phone interview on October 10 for the week ending September 21, 2013 (EUC claim). The department wanted to inquire about his temporary lay-off work status.

The claimant did not receive the department notice and was unaware he needed to be available for the October 10 phone interview. Sometime later on October 10 he learned there was a department phone message about the interview and he was unsuccessful in contacting the person who called.

Claimant had made contact with his former employer, Lyman Richey Corp. on several occasions and does not believe he will be recalled to work. He has been actively making two or more job contacts each week to try to find work.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 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 and the payment of benefits, provided the individual is otherwise eligible, shall be on a biweekly basis by mail if the claimant files a Form 60-0151.

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 financial institution's account 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.

The administrative law judge concludes claimant established a justifiable cause for failing to respond to the department notice because he did not receive it. No benefit disqualification is imposed for the week ending October 12, 2013.

Claimant has independently of his group code 3 lay-off status resumed searching for work because he does not believe he will be recalled by his former employer.

DECISION:

The department decision dated October 11, 2013, reference 02, is reversed. Benefits are allowed the week ending October 12, 2013, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs