

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DENISE WARNER
Claimant

APPEAL NO. 16A-UI-12622-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/02/16
Claimant: Appellant (2)**

871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

Denise Warner (claimant) appealed a representative's November 22, 2016 decision (reference 01) that concluded she 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 December 12, 2016. 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 the claimant's continued claim for the week ending November 5, 2016, the claimant indicated she was not able and available for work. The claimant pushed the wrong button by mistake. On November 9, 2016, a letter of inquiry was mailed to the claimant to respond to IWD by November 18, 2016. The claimant completed and signed the document on November 10, 2016. The document stated her response was in error and she was able and available for work. Her son faxed the document to IWD on November 21, 2016, three days after the due date.

A representative's November 28, 2016 decision (reference 02) concluded she had failed to respond to a letter of inquiry, had shown an acceptable reason for not reporting, and was eligible to receive unemployment insurance benefits.

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 by Friday, November 18, 2016. The claimant did not report to the Agency until Monday, November 21, 2016. When a claimant does not report as directed by a letter of inquiry, she will not be qualified to receive benefits. In this case, the claimant reported soon after the due date. The claimant is eligible to receive unemployment insurance benefits as of November 13, 2016.

DECISION:

The representative's November 22, 2016 decision (reference 01) is reversed. The claimant is eligible to receive unemployment insurance benefits as of November 13, 2016.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs