

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AUTUMN M FURGERSON
Claimant

APPEAL NO. 09A-UI-07882-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/25/09
Claimant: Appellant (2)**

871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

The claimant, Autumn Furgerson, filed an appeal from a decision dated May 22, 2009, reference 05. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on June 16, 2009. The claimant participated on her own behalf.

ISSUE:

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

FINDINGS OF FACT:

Autumn Furgerson was sent a notice on May 13, 2009, that a telephone interview would be held between 9:00 a.m. and 10:00 a.m. on May 21, 2009, to discuss a response on her claim for the week ending April 29, 2009. The day before the hearing she went to her local Workforce Center and informed a representative of her new telephone number. That information was not conveyed to the person conducting the interview and when the old number was called, there was only a voice mail.

Ms. Furgerson filed her claim for the week ending April 29, 2009, on line and did respond that she was able and available for work during that week.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as

defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

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 claimant did not fail to report as directed, Iowa Workforce Development failed to contact her at her updated phone number which was provided in advance. She was able and available for work the week ending April 29, 2009.

DECISION:

The representative's decision of May 22, 2009, reference 05, is reversed. Autumn Furgerson did not participate in the phone interview on May 21, 2009, because Iowa Workforce Development did not update her telephone information. She was able and available for work the week ending April 29, 2009.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css

