

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JOSE M URISTA
Claimant

APPEAL NO. 14A-UI-10311-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/03/14
Claimant: Appellant (2)**

871 IAC 24.23(11) - Failure to Report as Directed

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 30, 2014, reference 04, that concluded he was ineligible for benefits effective September 21, 2014, because he did not respond to the Agency as directed. A telephone hearing was held on October 27, 2014. The claimant participated in the hearing.

ISSUE:

Did the claimant fail to report to the Agency as directed?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of August 3, 2014. The claimant was informed and understood that under the unemployment insurance rules, claimants were subject to disqualification for failing to report to the Agency as directed.

A notice was mailed to the claimant on September 12, 2014, asking him to explain a response he had made while filing a weekly claim that he had been discharged. The notice also stated that failure to respond could result in being disqualified from receiving unemployment insurance benefits.

The claimant did not respond because there had already been a fact-finding interview set up regarding his discharge from his employment with QHealth LLC.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is ineligible for benefits effective September 21, 2014, because he did not respond to the Agency notice dated September 12.

The unemployment insurance law provides that a claimant must be able to work, available for work, and actively seeking employment. Iowa Code Section 96.4-3. Under the unemployment insurance rules, a claimant who fails to report as directed to the Agency in response to a notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

The claimant is not subject to disqualification for failing to respond to the notice because there had already been a fact-finding interview set up regarding his discharge from his employment with QHealth LLC. This should have been recognized when the notice was sent out or before the decision was issued in this case.

The claimant remains disqualified based on the separation decision issued in this case.

DECISION:

The unemployment insurance decision dated September 30, 2014, reference 04, is reversed. The claimant is not disqualified for failing to respond to the notice. He remains disqualified due to the decision that he was discharged for misconduct issued by an administrative law judge on October 21, 2014.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs