

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAYIRINA A TRAORE
Claimant

APPEAL NO. 14A-UI-10951-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/27/14
Claimant: Appellant (2)

Iowa Code section 96.4(3) – Able & Available
871 IAC 24.2(1)(e) – Failure to Report as Directed

STATEMENT OF THE CASE:

Layirina Traore filed a timely appeal from the October 13, 2014, reference 03, decision that denied benefits effective October 5, 2014; based on an Agency conclusion that he had failed to report as directed. After due notice was issued, a hearing was held on November 12, 2014. Claimant participated. Department Exhibits D-1, D-2, and D-3 were received into evidence.

ISSUE:

Whether the claimant failed to report to Iowa Workforce Development as directed.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established a claim that was effective July 27, 2014 and received benefits for the period of July 27, 2014 through October 4, 2014. On September 24, 2014 the Agency mailed an Unemployment Insurance Letter of Inquiry to the claimant. The correspondence noted that the claimant had reported a work refusal when he made his continued claim for the week ending September 20, 2014. The correspondence directed the claimant to respond to the Agency by October 6, 2014. The claimant is a non-native English speaker. The claimant did not understand the correspondence when he received it. Upon receiving the correspondence, the claimant immediately reported to the Ottumwa Workforce Development Center and spoke with a Workforce Advisor in an attempt to resolve the issue in the notice he had received. The claimant had not refused work during the week that ended September 20, 2014 and his response to the voice response unit question regarding work refusal had been in error.

REASONING AND CONCLUSIONS OF LAW:

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. 871 IAC 24.2(1)(e).

The evidence indicates that the claimant did not failure to report to the Agency in response to the Letter of Inquiry mailed to him on September 24, 2014. The claimant immediately responded in good faith and to the best of his ability. The claimant will not be denied benefits based on the alleged failure to report. The claimant is eligible for benefits, provided he meets all other eligibility requirements.

DECISION:

The October 13, 2014, reference 03, decision is reversed. The claimant did not fail to report as directed in response to the September 24, 2014 Letter of Inquiry. The claimant is eligible for benefits, provided he meets all other eligibility requirements.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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