

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

LEE K HAUPERT
Claimant

APPEAL NO. 18A-UI-01022-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/10/17
Claimant: Appellant (2R)

Iowa Administrative Code rule 24.2(1)(e) – Failure to Report as Directed

STATEMENT OF THE CASE:

Lee Hauptert filed a timely appeal from the January 11, 2018, reference 02, decision that denied benefits effective January 7, 2018, based on the claims deputy's conclusion that Ms. Hauptert had failed to report as directed and therefore did not meet the availability requirement. After appropriate notice, an appeal hearing was held on February 15, 2018. Ms. Hauptert participated. Exhibits A, B and C were received into evidence. The administrative law judge took official notice of the mailing date of the fact-finding interview notice, of the Benefits Bureau deputy's notes from the fact-finding interview, and of the record of Ms. Hauptert's weekly claims (KCCO).

ISSUES:

Whether Ms. Hauptert had good cause for failing to report as directed for a one-party fact-finding interview set for 2:15 p.m. on January 10, 2018.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Lee Hauptert established a new "original" claim for benefits that was effective December 10, 2017. Ms. Hauptert made weekly claims in connection with new claim. When Ms. Hauptert made her weekly claims, she reported that she was receiving a pension. On January 3, 2018, Iowa Workforce Development mailed a notice to Ms. Hauptert. The notice referenced a telephonic fact-finding interview set for 2:15 p.m. on January 10, 2018. The notice did not state the issue to be addressed at the time of the fact-finding interview. Instead, the notice referenced the issue as "Other." The fact-finding interview had in fact been set so that the agency representative could gather relevant information from Ms. Hauptert concerning her receipt of pension benefits.

Ms. Hauptert received the notice of the fact-finding interview in a timely manner and fully intended to participate in the fact-finding interview as scheduled. Ms. Hauptert's telephone number on record with Iowa Workforce Development is her home phone number. Ms. Hauptert resides in Marshalltown. Ms. Hauptert was unable to attend the fact-finding interview on January 10, 2018 because she was assisting her son with his serious medical condition and then, due to heavy traffic on the Interstate was unable to get home to Marshalltown in time to receive the Benefits Bureau deputy's call. Ms. Hauptert's son was seriously injured and disabled in September 2017. In December 2017, Ms. Hauptert's son was transferred to a nursing home

in Urbandale. While Ms. Hauptert's son has been in the nursing home, Ms. Hauptert has visited her son three times per week, usually on Monday, Wednesday and Friday. Ms. Hauptert usually arrives at the nursing home at 10:30 a.m. While she is there, she observes her son's therapy sessions and then feeds him his lunch and assists with other issues as needed. On January 10, Ms. Hauptert budgeted appropriate time to get home for the fact-finding interview, but did not count on the especially heavy traffic. Ms. Hauptert arrived home at 2:26 p.m. The Benefits Bureau deputy had called and left a message at 2:15 p.m. In response to Ms. Hauptert's absence from the fact-finding interview, the Benefits Bureau deputy entered the January 11, 2018, reference 02, decision that denied benefits effective January 7, 2018.

REASONING AND CONCLUSIONS OF LAW:

Iowa Administrative Code rule 24.2(1)(e) provides, in relevant part, as follows:

24.2(1) Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

(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.

Ms. Hauptert had good cause for not being available to participate in the fact-finding interview set for 2:15 p.m. on January 10, 2018. That good cause was based on her need to attend to her son's serious medical needs in Urbandale and the unexpected heavy traffic that prolonged her return trip to Marshalltown. Ms. Hauptert will not be disqualified for benefits, or be deemed unavailable for work, in connection with the failure to report as directed on January 10, 2018. Ms. Hauptert is eligible for benefits, provided she meets all other eligibility requirements.

This matter will be remanded to the Benefits Bureau for a new fact-finding interview to address the pension issue. Ms. Hauptert will want to make herself available for the rescheduled fact-finding interview.

DECISION:

The January 11, 2018, reference 02, decision that denied benefits effective January 7, 2018 is reversed. The claimant had good cause to be unavailable for the January 10, 2018 fact-finding interview. The claimant shall not be disqualified for benefits, or be deemed unavailable for work, based on the missed January 10, 2018 fact-finding interview.

This matter is remanded to the Benefits Bureau for a new fact-finding interview to address the pension issue.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs