

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

FRANK J NORRIS  
915 W 27<sup>TH</sup> ST  
SOUTH SIOUX CITY NE 68776-3135

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-1356-CT  
OC: 10/09/05 R: 01  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Able and Available  
Section 96.6(2) – Timeliness of Appeals

STATEMENT OF THE CASE:

Frank Norris filed an appeal from a representative's decision dated January 17, 2006, reference 02, which denied benefits effective January 8, 2006, on a finding that he failed to report to his local office as directed. After due notice was issued, a hearing was held by telephone on February 22, 2006. Mr. Norris participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: The representative's decision that is the subject of this appeal was mailed to Mr. Norris at his address of record on January 17, 2006. He had

moved from that address and, therefore, there was a delay in his receipt of the disqualifying decision. An appeal was due by January 27, 2006. Mr. Norris had the disqualifying decision for two days before filing his appeal on January 31, 2006.

On January 4, 2006, a notice was mailed to Mr. Norris advising him that he would be contacted on January 13, 2006, for an interview. The interview was set up because Mr. Norris had indicated he was not available for work when he called in his claim for the week ending December 17, 2005. Mr. Norris had inadvertently indicated he was not available when he was, in fact, available during the week. When the interviewer attempted to contact him on January 13, it was found that his telephone number was no longer in service. Because he had moved, Mr. Norris did not receive the notice telling him to be available for an interview on January 13.

#### REASONING AND CONCLUSIONS OF LAW:

The first issue in this matter is whether Mr. Norris' appeal should be deemed timely filed. He had moved and, therefore, there was a delay in his receipt of the disqualifying decision. He acted with due diligence in filing his appeal within two days of actual receipt. For the above reasons, the appeal filed on January 31, 2006, shall be considered timely filed.

The next issue in this matter is whether Mr. Norris had good cause for not being available on January 13. He did not receive the notice, because he had moved. Therefore, he could not have known that he was expected to be available for a telephone call on January 13. The administrative law judge concludes that Mr. Norris had good cause for not being available on January 13.

The administrative law judge has considered the underlying issue for which Mr. Norris was to be interviewed on January 13. Although he indicated he was not available for work during the week ending December 17, 2005, this report was in error, as Mr. Norris pushed the wrong button on his telephone. For the above reasons, the disqualification shall be removed.

#### DECISION:

The representative's decision dated January 17, 2006, reference 02, is hereby reversed. Mr. Norris had good cause for not reporting to his local office. Benefits are allowed effective January 8, 2006, provided he satisfies all other conditions of eligibility.

cfc/kjw