

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUSTIN A ROHLENA
Claimant

APPEAL NO: 12A-UI-15199-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/25/12
Claimant: Appellant (2/R)

871 IAC 24.2(1)e – Fail to Report as Directed

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 13, 2012 determination (reference 01) that held him ineligible to receive benefits for the week ending December 15, 2012, because he did not report to the Department as directed. Based on the administrative record and the law, the administrative law judge concludes a hearing is not necessary to resolve the claimant's appeal. The administrative law judge finds the claimant is eligible to receive benefits for the week ending December 15, 2012.

ISSUE:

Did the claimant fail to provide requested information to the Department?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of November 27, 2011 and established a subsequent benefit year during the week of November 25, 2012. The claimant filed a claim for benefits for the week ending November 24, 2012.

On December 4, 2012, the Department mailed the claimant a notice that he was randomly selected to verify his availability to receive benefits for the week ending November 24. The notice indicated that if he had not provided the requested information by December 12, 2012, he would be called. The notice was mailed to an address that the claimant had recently moved from. As a result, the claimant did not receive the notice and knew nothing about the random audit or that he would be called on December 12. When a representative called him on December 12, the claimant's voicemail was not set up yet.

The claimant filed a claim for benefits for the week ending December 15, 2012.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an

authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

Since the claimant did not receive the December 4, 2012 notice, he had no knowledge that the Department wanted him to provide information about his availability for work for the week ending November 24, 2012. Before a claimant can be denied benefits, he must receive actual notice and in this case the claimant did not receive such notice. Therefore, the claimant is eligible to receive benefits for the week ending December 15, 2012. This matter will be remanded to the Claims Section to pay the claimant benefits for this week.

DECISION:

The representative's December 13, 2012 determination (reference 01) is reversed. Since the claimant did not receive the December 4, 2012 notice, he did not know that he was directed to provide information to the Department by December 12, 2012. Therefore, he is eligible to receive benefits for the week ending December 15, 2012. This matter is **Remanded** to the Claims Section to pay the claimant benefits for the week ending December 15, 2012.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/tll