

IOWA DEPARTMENT OF INSPECTIONS AND
APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

DECISION OF THE ADMINISTRATIVE LAW JUDGE

Carlos Garcia
1309 Avenue I
Council Bluffs, Iowa 51501-1160

Iowa Workforce Development
Quality Control
Juli Putzier/Joni Benson

Joe Walsh, IWD

Appeal Number: 13IWDU030
OC: 10/07/12
Claimant: Appellant (1)

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 Notice of Appeal, directly to the ***Employment Appeal Board, 4TH 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 the department. 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.

(Administrative Law Judge)

March 7, 2013

(Decision Dated & Mailed)

871 IAC 24.2(1)(e) – Quality control

STATEMENT OF THE CASE

Appellant Carlos Garcia a filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated December 14, 2012, finding he was ineligible to receive unemployment insurance benefits because he did not report for an interview with a quality control auditor on December 11, 2012.

On January 16, 2013, IWD transmitted the case to the Department of Inspections and Appeals to schedule a contested case hearing. My office issued a notice setting the case for telephonic hearing on March 6, 2013 before Administrative Law Judge Jeffrey Farrell. The parties were directed to call a toll free number to participate in the hearing. The notice made clear that the judge would wait for five minutes after the start of the hearing before proceeding. Juli Putzier of IWD appeared for the hearing. Appellant did

not. I waited for five minutes before proceeding with the hearing. Ms. Putzier testified for the agency. IWD's appeal packet was marked and admitted as exhibit A.

ISSUE

Whether IWD correctly determined that claimant was not eligible for unemployment for failure to report for an interview with a quality control auditor.

FINDINGS OF FACT

On December 3, 2012, IWD sent a notice to claimant to appear for an interview by telephone at 9:00 a.m. on December 11, 2012. The notice stated that an auditor from IWD would call appellant at the number he had previously provided to the agency. Ms. Putzier called appellant at 9:05 and 9:30 a.m. Appellant did not answer and she left voice mail messages on both occasions. She also tried the following day and left another voice mail message. Appellant did not return the calls.

On December 13, 2012, IWD sent a letter to appellant describing his failure to appear, but allowing him another chance. The letter directed appellant to complete an enclosed questionnaire and return it to IWD by December 23, 2012. The letter gave Ms. Putzier's name and telephone number in the event appellant had any questions.

Appellant did not respond to the letter. Ms. Putzier made additional attempts to call appellant on December 20 and 27, 2012. She left a voice mail on both occasions. Appellant did not return either call.

REASONING AND CONCLUSIONS OF LAW

IWD has adopted rules that set out requirements that must be followed to claim and maintain unemployment benefits.¹ After a person receives unemployment, the person must report as directed by an authorized representative of the department.² IWD may require reporting by telephone or in-person at an IWD office. IWD may find a person ineligible for continuing benefits if the person fails to report as directed.

IWD sent a notice to appellant informing him that he must appear for a telephone interview. IWD stated it would initiate the call. Appellant just needed to answer his phone. He did not do so. IWD tried to call the next day as well, but to no avail. Even then, IWD gave another opportunity to provide the information in writing, but he did not respond to that opportunity either. IWD justifiably cancelled unemployment for failure to report as directed by the department.

DECISION

IWD's decision dated December 14, 2012, is affirmed.

¹ See e.g. 871 IAC 24.2.

² *Id.* at 24.2(1)(e).