

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID UITERMARKET**  
Claimant

**APPEAL NO: 08A-UI-10553-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/03/07 R: 02  
Claimant: Appellant (2)**

871 IAC 24.2(1)e - Failure to Report

**STATEMENT OF THE CASE:**

David Uitermarket (claimant) appealed an unemployment insurance decision dated November 4, 2008, reference 02, which denied benefits as of September 21, 2008 due to the claimant's failure to report as directed. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on November 25, 2008. The claimant participated in the hearing. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant failed to report as directed.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was directed to report in a letter dated October 15, 2008. He was asked to provide the company name of his last employer because the employer originally provided, reported the claimant did not work there. The letter was to be returned by October 27, 2008 but Iowa Workforce Development had not yet received it by October 30, 2008 and disqualified him. The claimant subsequently responded to the letter and it was received on November 11, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant failed to report as directed. For the reasons that follow, the administrative law judge concludes the claimant has reported as directed.

871 IAC 24.23(11) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(11) Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

871 IAC 24.2(1)e provides:

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. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

The method of reporting and the payment of benefits, provided the individual is otherwise eligible, shall be on a biweekly basis by mail if the claimant files a Form 60-0151.

The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's financial institution's account or be paid by the mailing of a warrant on a biweekly basis.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

The department retains the ultimate authority to choose the method of reporting and payment.

The claimant reported as directed when he returned the letter of inquiry to Iowa Workforce, which was received on November 11, 2008. Since the claimant has reported as directed, he meets the availability requirements of the law and the disqualification shall be lifted. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The unemployment insurance decision dated November 4, 2008, reference 02, is reversed. The claimant meets the availability requirements of the law and benefits are allowed, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs