

**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**

**JUAN M PULIDO
716 N LINCOLN
MT PLEASANT IA 52641**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-07874-CT
OC: 12/05/04 R: 04
Claimant: Appellant (4)**

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, 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 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Juan Pulido filed an appeal from a representative's decision dated July 28, 2005, reference 05, which denied benefits effective July 24, 2005 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 August 18, 2005. Mr. Pulido participated personally. Ike Rocha participated as the interpreter.

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: On July 12, 2005, a notice was mailed to Mr. Pulido advising that he would be called by Workforce Development between 11:00 a.m. and

12:00 p.m. on July 21. He received the notice but was not at home when the interviewer called. He had taken his children to a doctor's appointment but had not notified Workforce Development that he would not be available for the interview. He also received a message on July 21 from the interviewer asking that he return the call. Mr. Pulido did not take any steps regarding the notice until August 1, 2005 when he went to his local office to appeal the disqualification that resulted from his failure to be available on July 21.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Pulido failed to report to his local office as directed. He acknowledged that he was not available when the interviewer called on July 21. He had good cause for not being available at the scheduled time. However, Mr. Pulido did not return the telephone message left by the interviewer. He did not contact Workforce Development until after a decision was issued on July 28 denying benefits. Based on his failure to contact Workforce Development in response to the notice, the administrative law judge concludes that the disqualification beginning July 24, 2005 was appropriate. Mr. Pulido was in his local office on August 1 to file an appeal. The local office had the opportunity at that point to question him regarding the matter for which he was to report on July 21. Therefore, benefits are allowed as of July 31, 2005.

DECISION:

The representative's decision dated July 28, 2005, reference 05, is hereby modified. Mr. Pulido is denied benefits from July 24 through July 30, 2005 as he failed to report to his local office as directed. Benefits are allowed effective July 31, 2005, provided he satisfies all other conditions of eligibility.

cfc/tjc