

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MARY FITZGERALD
Claimant

APPEAL NO. 15A-UI-04139-E-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/01/15
Claimant: Appellant (2)**

871 IAC 24.2(1)e - Failure to Report
Iowa Code § 96.4-3 - Able and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 31, 2015, (reference 01), which denied benefits as of March 22, 2015 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 May 18, 2015. The claimant participated in the hearing.

ISSUE:

The issue is whether the claimant failed to report as directed and does not meet the availability requirements of the law.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant is employed as a full-time employee for Modern Fold. She was laid off for three days the week of March 2, 2015, and filed a claim for benefits effective March 1, 2015. She was laid off March 2, 3 and 4, 2015, and returned to work March 5, 2015.

After the claimant returned to work she received a letter from the Department approximately two weeks later directing her to report due to a question prompted by her weekly claim. The claimant did not see the letter until early April 2015, after she had been back at work for three weeks. She contacted the Department at that time and was instructed she needed to file an appeal.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has established a good-cause reason for having failed to report as directed.

A claimant will be disqualified as unavailable for work if she fails to report as directed to Iowa Workforce Development in response to the notice that was mailed to her. See 871 IAC 24.23(11).

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.

The claimant was on a short-term layoff of three days and had returned to work by the time the Department sent her a letter directing her to report. She did not see the letter telling her to report to her local office and was unaware of it until she received the letter denying her benefits effective March 31, 2015. The administrative law judge is convinced that the claimant never saw the Notice to Report and she cannot be disqualified for her failure to report when she did not see the Notice.

DECISION:

The unemployment insurance decision dated March 31, 2015, (reference 01), is reversed. The claimant did not fail to report as directed. Benefits are allowed effective March 1, 2015, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css