

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CYNTHIA S LEININGER**  
Claimant

**APPEAL NO. 20A-UI-01747-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/13/19  
Claimant: Appellant (2)**

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871 IAC 24.2(1)e - Failure to Report  
Iowa Code § 96.4-3 - Able and Available for Work  
Iowa Code § 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated February 6, 2020, (reference 04), which denied benefits as of February 2, 2020, 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 March 13, 2020. The claimant participated in the hearing.

**ISSUE:**

The issues are whether the claimant's appeal is timely and whether she 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: A disqualification decision was mailed to the claimant's last known address of record on February 6, 2020. The claimant received the decision. The decision contained a warning that an appeal must be postmarked or received by the Appeals Section by February 16, 2020. That day fell on a Sunday so the appeal was actually due February 17, 2020. The appeal was not filed until February 25, 2020, which is after the date noticed on the disqualification decision. The claimant contacted the Department by phone after receiving the decision and was working with a representative to correct the situation. She believed the representative was going to resolve the issue and that she did not need to file an appeal until the representative told her she needed to do so.

The Department sent the claimant a letter directing her to report to the Department. The claimant never received the letter. Consequently, she did not report for her appointment.

**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 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.

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 administrative law judge is convinced that the claimant never received the notice to report and she cannot be disqualified for her failure to report when she never received the notice.

**DECISION:**

The unemployment insurance decision dated February 6, 2020, (reference 04), is reversed. The claimant's appeal is timely. The claimant did not fail to report as directed. Benefits are allowed effective February 2, 2020, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn