

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVE J COOK
Claimant

APPEAL NO. 08A-UI-02186-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12-03-07 R: 04
Claimant: Appellant (2R)**

871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 28, 2008, reference 01, decision that denied benefits due to the claimant's failure to report to register for work opportunities. After due notice was issued, a hearing was held on March 19, 2008. The claimant did participate. Claimant's Exhibit A was received.

ISSUE:

Did the claimant establish good cause for his failure to report as directed?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: On or about February 15, 2008, a notice was mailed to the claimant to report to Iowa Workforce Development on or before February 22, 2008 to register for work. The claimant did not report or register for work prior to February 22, 2008 because he did not receive the notice to report as he was out of town visiting friends from February 15 through February 23, 2008. At hearing the claimant admitted that he had also not made any in-person work searches for the week ending February 23, 2008. When the claimant called in his weekly claim for the week ending February 23, 2008 he indicated he was able to and available for work and that he had made work searches.

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.

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.

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 did not receive the notice to report to his local office to register for work because he was out of town from February 15 through February 23, 2008. The claimant has since registered for work.

REMAND: The able to and available issues (claimant out of town the majority of the week and no work searches made) delineated in the findings of fact is remanded for an initial review and determination.

DECISION:

The February 28, 2008, reference 01, decision is reversed. The claimant did not fail to report as directed. Benefits are allowed effective February 17, 2008, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css