

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANIEL WELLS
Claimant

APPEAL NO. 19A-UI-08607-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/14/19
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 October 7, 2019, (reference 05), which denied benefits as of September 29, 2019, 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, 2019. The claimant participated in the hearing. Department's Exhibit D-1 was admitted into evidence.

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: A disqualification decision was mailed to the claimant's last known address of record on October 7, 2019. The claimant did not receive the decision. The decision contained a warning that an appeal must be postmarked or received by the Appeals Section by October 17, 2019. The appeal was not filed until October 31, 2019, which is after the date noticed on the disqualification decision. The claimant learned of the decision when he received another disqualification decision and went to IWD and was told he had to appeal this decision as well.

The claimant was mailed a notice to report to the Department but never received the letter. He received the representative's decision denying him benefits and went to the Department immediately after his benefits were denied effective September 29, 2019.

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 he fails to report as directed to Iowa Workforce Development in response to the notice that was mailed to him. 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 he cannot be disqualified for his failure to report when he never received the notice.

DECISION:

The unemployment insurance decision dated October 7, 2019, (reference 05), is reversed. The claimant's appeal is timely. The claimant did not fail to report as directed. Benefits are allowed effective September 29, 2019, provided he is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn