

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RACHAEL M MEIER
Claimant

APPEAL NO. 07A-UI-02367-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/22/06 R: 01
Claimant: Appellant (3R)

871 IAC 24.2(1)(e) – Failure to Report as Directed

STATEMENT OF THE CASE:

Rachael Meier filed a timely appeal from the February 26, 2007, reference 02, decision that denied benefits effective February 18, 2007 based on a failure to report as directed. After due notice was issued, a hearing was held on March 26, 2007. Ms. Meier participated. The administrative law judge received Department Exhibit D-1 into evidence.

ISSUE:

Whether the claimant failed to report to Iowa Workforce Development as directed.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Rachael Meier established a claim that was effective October 22, 2006 and had received benefits. On February 15, 2007, Workforce Development Investigator Jane Conner mailed Ms. Meier a Notice to Report. The Notice directed Ms. Meier to be available by telephone on February 22, 2007 at 9:00 a.m. at the number she had previously provided to the Agency, 515-576-7261. The Notice advised Ms. Meier that the purpose of the phone interview was to determine whether she was able and available for work. Ms. Conner directed the Notice to Ms. Meier's last-known address of record: 726 South 17th Street, Fort Dodge, Iowa 50501. This address belongs to a Community and Family Resources (CFR) inpatient substance abuse treatment program. The notice mailed by Ms. Conner was in response to an anonymous report to Iowa Workforce Development that Ms. Meier was claiming benefits at a time when she was not able to leave CFR. Ms. Meier received the Notice to report. At the scheduled time of the interview, Ms. Conner telephoned CFR. The staff at CFR told Ms. Conner that the facility had been expecting the call and would call Ms. Meier to the phone. Ms. Meier was unable to come to the telephone because she was participating in another appointment. The CFR staff then notified Ms. Conner that Ms. Meier was not available and would call Ms. Conner back later that same morning. Ms. Conner did not receive a call from Ms. Meier. On February 26, 2007, Ms. Conner entered the reference 02 decision that denied benefits effective February 18, 2007, based on the failure to report.

On February 27, 2007, the Agency entered a reference 03 decision that warned Ms. Meier that she had failed to make the required number of job contacts for the week ending February 24, 2007. In response to this decision, Ms. Meier made contact with the Agency and discussed her status at Community and Family Resources.

REASONING AND CONCLUSIONS OF LAW:

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. 871 IAC 24.2(1)(e).

The evidence indicates that Ms. Meier received proper notice of the telephone interview. The evidence indicates that Ms. Meier was at an inpatient substance abuse treatment facility at the time of the telephone interview and was not able to come to the phone because she was participating in another program-related appointment. The evidence indicates that Ms. Meier did follow through on the agreement to call the Agency back that morning. The evidence indicates that Ms. Meier had subsequent contact with the Agency for another matter, at which time her availability for work was discussed.

Based on the evidence in the record, the administrative law judge concludes that Ms. Meier failed to report as directed on February 22. Accordingly, Ms. Meier was disqualified for benefits for the week that ended February 24, 2007. The evidence indicates that Ms. Meier made contact with the Agency during the next benefit week. Accordingly, Ms. Meier was eligible for benefits beginning the benefit week that ended March 3, 2007, provided she was otherwise eligible.

The matter is remanded to the investigator so that the interview previously scheduled for February 22, 2007, may be rescheduled. The claimant's address of record has changed and notice should be directed to the new address of record.

DECISION:

The Agency representative's February 26, 2007, reference 02, decision is affirmed, but modified as follows. On February 22, 2007, the claimant failed to report as directed and, therefore, was ineligible for benefits for the benefit week that ended February 24, 2007. The claimant subsequently reported to the Agency, albeit on another matter. Based on the further contact with the Agency, the claimant was no longer ineligible for benefits based on the failure to report effective the benefit week that ended March 3, 2007. The matter is remanded to the

investigator so that the interview previously scheduled for February 22, 2007, may be rescheduled. The claimant's address of record has changed and notice should be directed to the new address of record.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css