

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**KEITH R KELLER
516 FRANKLIN ST
KEOKUK IA 52632**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-03699-CT
OC: 11/20/05 R: 04
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4(3) – Able and Available
871 IAC 24.2(1)e – Reporting Requirements

STATEMENT OF THE CASE:

Keith Keller filed an appeal from a representative's decision dated March 20, 2006, reference 03, which denied benefits effective March 12, 2006 on a finding that he failed to report to his local office as directed. After due notice was issued, a hearing was held by telephone on April 20, 2006. Mr. Keller participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: A notice was mailed to Mr. Keller at his address of

record on March 3, 2006 advising that he would be called on March 15 for a telephone interview. The interview was scheduled because of a response he made when calling in his claim for the week ending February 25, 2006. It appeared from his response that he had either quit a job or been discharged from one that week. He had worked a one-day temporary job that week and did not know the correct designation to use when he called in his claim.

Mr. Keller received the notice for the interview and was available at the designated time. However, it appears from the interviewer's notes that the telephone number for Mr. Keller was incorrect.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed for Mr. Keller's failure to be available for the telephone interview on March 15, 2006. The administrative law judge is satisfied that he was, in fact, at home and waiting for the call on the designated date and time. He was not reached because the telephone number the interviewer called was incorrect. The administrative law judge concludes that Mr. Keller was not at fault with regard to the failure to participate in the interview. Therefore, the disqualification shall be removed.

The matter for which the interview was scheduled concerned Mr. Keller's voice response for the week ending February 25, 2006. He was not discharged from and did not quit employment during the week. The voice script did not offer a selection that Mr. Keller felt reflected his employment status. The response he did select was in error. He worked a temporary, one-day assignment during the week.

For the reasons stated herein, the administrative law judge concludes that the disqualification imposed effective March 12, 2006 should be removed as Mr. Keller had good cause for not participating in the March 15, 2006 interview. Furthermore, he was able to and available for work during the week at issue.

DECISION:

The representative's decision dated March 20, 2006, reference 03, is hereby reversed. Mr. Keller had good cause for not being available for the interview on March 15, 2006. He has established that he was eligible for job insurance benefits for the week ending February 25, 2006. Benefits are allowed, provided Mr. Keller satisfies all other conditions of eligibility.

cfc/pjs