

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

DARRIN E CALVIN
Claimant

APPEAL NO. 19A-UI-05952-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 02/17/19
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Darrin Calvin filed a timely appeal from the July 19, 2019, reference 03, decision that denied benefits effective June 23, 2019, based on the deputy's conclusion that Mr. Calvin had failed to report as directed. After due notice was issued, a hearing was held on August 19, 2019. Mr. Calvin participated. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-05953-JTT. Department Exhibits D-1 through D-5 were received 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: Darrin Calvin established an original claim for benefits that was effective February 17, 2019 and an additional claim that was effective June 9, 2019. When Mr. Calvin established the additional claim, he erroneously reported his most recent employer as Mackay Mitchell Envelope Company, L.L.C. Mr. Calvin had in fact been employed by Team Staffing and placed in an assignment with Team Staffing's client, Mackay Mitchell Envelope Company, L.L.C.

On June 18, 2019, Iowa Workforce Development mailed an Unemployment Insurance Notice to Report to Mr. Calvin. The form directed Mr. Calvin to supply the name of his actual most recent employer on the bottom of the form and return the form to Iowa Workforce Development by June 28, 2019. The form included the following warning: "Failure to return the information by the date requested could result in a DISQUALIFICATION OF BENEFITS already paid and/or future benefits." The form directed Mr. Calvin to send his response to:

Iowa Workforce Development
UISC Notice of Claim
PO Box 10332
Des Moines IA 50306

Mr. Calvin did not receive the June 18, 2019 Notice to Report. However, Mr. Calvin continued to make weekly in-person contact with the Burlington Workforce Development Center for the purpose of making his weekly claim for benefits. When the Unemployment Insurance Service Center (UISC) in Des Moines did not receive the Notice to Report form back from Mr. Calvin, a Benefits Bureau deputy entered the July 19, 2019, reference 03, decision from which Mr. Calvin appeals in this matter. After Mr. Calvin received the July 19, 2019, reference 03, decision that denied benefits effective June 23, 2019 based on the purported failure to report as directed, he went to the Burlington Workforce Development Center on July 26, 2019 and filed an online appeal from the decision. In the online appeal, Mr. Calvin referenced his error in listing Mackay Mitchell Envelope Company, L.L.C. as his most recent employer. Mr. Calvin corrected the information by stating that Team Staffing was his most recent employer.

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. Iowa Administrative Code rule 871-24.2(1)(e). 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. Iowa Administrative Code rule 871-24.23(11).

The evidence establishes good cause for Mr. Calvin's failure to report as directed in response to the June 18, 2019 Notice to Report document. Mr. Calvin did not receive the document and, therefore, was unaware of a need to respond. The benefit denial that was effective June 23, 2019 and that was based on the purported failure to report is reversed. Mr. Calvin is eligible for benefits effective June 23, 2019, provided he meets all other eligibility requirements.

DECISION:

The July 19, 2019, reference 03, decision is reversed. The claimant had good cause for failing to report as directed in response to the June 18, 2019, Notice to Report. The benefit denial that was effective June 23, 2019 and that was based on the purported failure to report is reversed. The claimant is eligible for benefits effective June 23, 2019, provided he meets all other eligibility requirements.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs