

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

REBECCA WHEELER
Claimant

APPEAL NO. 15A-UI-07608-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/24/15
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 June 29, 2015, (reference 01), which denied benefits as of June 21, 2015, 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 August 5, 2015. The claimant participated in the hearing.

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: The claimant received a letter from the Department June 20, 2015, stating she had refused work and that additional information was required. The letter gave the claimant the option of scheduling a telephone interview regarding the issue of waiving her right to a telephone hearing and answering a brief questionnaire. The claimant chose to answer the questionnaire provided by the Department and submitted it to the Department before the due date of June 22, 2015.

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 she did report as directed.

A claimant will be disqualified as unavailable for work if she fails to report as directed to Iowa Workforce Development in response to the notice that was mailed to her. See 871 IAC 24.23(11).

Iowa Admin. Code r. 871-24.23(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 administrative law judge is convinced that the claimant responded to the Notice to Report by answering and returning the questionnaire and she cannot be disqualified for failure to report when directed. Therefore, benefits are allowed effective the week ending June 27, 2015.

DECISION:

The unemployment insurance decision dated June 29, 2015, (reference 01), is reversed. The claimant did not fail to report as directed. Benefits are allowed effective the week ending June 27, 2015, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs