

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRETT M LEONARD**  
Claimant

**APPEAL NO. 11A-UI-16246-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/20/09**  
**Claimant: Appellant (2)**

871 IAC 24.2(1)e – Reporting as Directed  
Section 96.6-2 – Timely Appeal

**STATEMENT OF THE CASE:**

Brett M. Leonard filed an appeal from an unemployment insurance decision dated March 23, 2010, reference 02, that denied benefits to him effective December 20, 2009, upon a finding that he had failed to report to his local workforce center as directed. After due notice was issued, a telephone hearing was held January 23, 2012, with Mr. Leonard participating. Shelly Greenland was present but was not called to testify. Exhibit D-1 was admitted into evidence. This matter is considered on a consolidated record with 11A-UI-16247-AT.

**ISSUES:**

Did the claimant file a timely appeal?

Was the claimant eligible for unemployment insurance benefits effective December 20, 2009?

**FINDINGS OF FACT:**

Brett M. Leonard filed a claim for unemployment insurance benefits effective December 20, 2009. He received benefits for the four weeks ending January 16, 2010, prior to returning to work. He did not receive any notice to report in person to his local workforce center or to provide additional information. He also did not receive a decision dated March 23, 2010, ruling that he was ineligible for benefits. He filed an appeal on December 21, 2011, after receiving a decision dated December 16, 2011, stating that he was overpaid unemployment insurance benefits for the four weeks ending January 16, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

The evidence in this record establishes that Mr. Leonard did not receive the decision mailed to him in March of 2010. Under these circumstances, his timely appeal from the overpayment decision from December of 2011 is sufficient to give the administrative law judge jurisdiction to rule on the merits of this case. See 871 IAC 24.35.

The remaining question is whether the claimant failed to report to the Agency as directed. Again, the evidence establishes that Mr. Leonard did not receive any notices to report to the Agency either in person or in writing. No disqualification may be imposed.

**DECISION:**

The unemployment insurance decision dated March 23, 2010, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits for the four weeks beginning December 20, 2009.

---

Dan Anderson  
Administrative Law Judge

---

Decision Dated and Mailed

kjw/kjw