

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

JOSHUA J DALTON
#13
936 MCKINLEY AVE
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IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-01266-DT
OC: 12/04/05 R: 02
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)

871 IAC 24.2-1-e – Failure to Report

STATEMENT OF THE CASE:

Joshua J. Dalton (claimant) appealed a representative's January 23, 2006 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits because he had not responded to an Agency notice to respond to an issue relating to his eligibility. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on February 20, 2006. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant established an initial claim for unemployment insurance benefits effective December 4, 2005 because of a decrease in his hours of work. On December 14, 2004, for reasons unknown to the claimant or the administrative law judge, there was a change made to the claimant's filing status that resulted in his being required to make a search for work. On December 15, 2005 the Agency sent the claimant a warning regarding his failure to make a work search. The claimant did not appeal that decision by the deadline of December 26, 2005, and on December 27, 2005 the Agency sent the claimant a notice to report to the local Agency office by January 13, 2006 to place an active work registration on file.

On January 5, 2006, the claimant contacted an Agency representative at the local Agency office and explained that he was getting notices requiring him to register for and search for work, when he was still employed but was merely having a seasonal reduction in work hours, and so was only seeking partial unemployment insurance benefits. The local Agency representative readjusted the claimant's claim status to group "3" for which no work search and no registration for work was required. However, when other Agency staff reviewed the claimant's compliance with the December 27, 2005 direction to report to register for work, they only determined that the claimant had not registered for work, resulting in the issuance of the disqualification decision for failure to report and register for work.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant failed to report as required to be eligible for unemployment insurance benefits.

871 IAC 24.2(1)e provides:

e. 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. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's financial institution's account or be paid by the mailing of a warrant on a biweekly basis.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

The department retains the ultimate authority to choose the method of reporting and payment.

While the claimant did not register for work, he did effectively respond to the notice to report, with the result being that the registration requirement became moot. Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's January 23, 2006 decision (reference 03) is reversed. The claimant substantially complied with the requirement to report. He is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Id/s