

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ERIC S SEEMANN

Claimant

APPEAL NO: 12A-UI-08772-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/06/12

Claimant: Appellant (2)

871 IAC 24.2-1-e – Failure to Report

STATEMENT OF THE CASE:

Eric S. Seemann (claimant) appealed a representative's July 16, 2012 decision (reference 01) 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 August 15, 2012. 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.

ISSUE:

Is the claimant disqualified from receiving unemployment insurance benefits for a failure to report as directed?

FINDINGS OF FACT:

The claimant established an initial claim for unemployment insurance benefits effective May 5, 2012. On June 18, 2012 the Agency sent the claimant a notice that he needed "to complete an additional application for job search assistance." He was given a deadline of 3:30 p.m. on July 10, 2012. He was given the option as to doing this online or going to his local Agency office.

When he received the notice he called the Agency and was advised to perform the function online. By June 30 the claimant did go online and complete the job search assistance functions; he received an email response that he had completed the application. However, in fact there were some areas of the application which needed further information. When the claimant received the subsequent decision issued July 16, he went to his local Agency office on or about August 2 and was shown where specifically he needed to provide additional information.

REASONING AND CONCLUSIONS OF LAW:

A claimant can be found ineligible for unemployment insurance benefits for a failure to report as required.

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 and the payment of benefits, provided the individual is otherwise eligible, shall be on a biweekly basis by mail if the claimant files a Form 60-0151.

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.

The claimant did make a good faith effort to comply with the notice as directed. Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's July 16, 2012 decision (reference 01) is reversed. The claimant did report as directed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs