

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELYNDA D ALBERT
Claimant

APPEAL NO: 15A-UI-01894-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/18/15
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Availability for Work
871 IAC 24.2(1)e – Failure to Report as Directed

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's February 10, 2015 determination (reference 05) that held her ineligible to receive benefits as of February 1, 2015, because she failed to report or provide information as directed. The claimant participated at the March 12 hearing. Based on the evidence, the claimant's arguments of the parties, and the law, the administrative law judge concludes the claimant remains eligible to receive benefits as of February 1, 2015.

ISSUE:

Should the claimant be ineligible to receive benefits as of February 1, 2015, if she failed to report or provide information that a Department representative requested?

FINDINGS OF FACT:

The claimant established a claim or benefits during the week of January 18, 2015. She has filed weekly claims since January 18, 2015. On a weekly claim, the claimant inadvertently reported she received a pension payment. This was a mistake because the claimant does not receive any pensions.

A Department representative mailed the claimant a letter of inquiry on January 27, 2015. The letter asked the claimant to provide more information about any pensions she received. The claimant was to provide that information by February 6, 2015.

The claimant did not receive the letter and did not know the Department wanted information about any pensions. The claimant sometimes has problems getting all her mail. Since mid-February, the claimant has taken steps to make sure she receives all mail addressed to her. The claimant did not report to the Department that she does not receive a pension because she did not know this information had been requested.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

Since the clamant did not receive the letter asking her to provide additional information about any pensions she received, the claimant did not fail to report or provide requested information. Also, the claimant does not receive any pension and made a mistake when she filed a weekly claim. She inadvertently reported that she received a pension.

(The administrative record indicates the claimant is not old enough to have earned a pension.)

DECISION:

The representative's February 10, 2015 deterrent (reference 05) is reversed. The claimant did not receive notice that she was required to provide information about any pensions she received. As a result, the claimant cannot be held ineligible to receive benefits as of February 1, 2015, for failing to report as directed. The claimant established that she remains able to and available for work as of February 1, 2015.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs