

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
Division of Administrative Hearings  
Lucas State Office Building  
Des Moines, Iowa 50319

**Appeal Number:** 07-IWDUI-054  
**OC:** 12/17/06  
**Claimant:** Appellant (1)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**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.

**BRUCE A DAHL**  
**2063 NORDESS ROAD**  
**DECORAH IA 52101-7548**

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT**  
**QUALITY CONTROL**  
**1000 EAST GRAND AVENUE**  
**DES MOINES IA 50319-0209**

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 the department. 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.

DAN ANDERSON, IWD

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(Administrative Law Judge)

April 20, 2007

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(Decision Dated & Mailed)

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Section 96.4-3 - Able and Available  
871 IAC 24.2(1)e – Failure to report

#### STATEMENT OF THE CASE:

The claimant filed an appeal from an Iowa Workforce Development Department decision dated March 16, 2007, reference 02, which held the claimant ineligible for benefits effective March 11, 2007, because he failed to report to a call-in notice for a telephone interview.

The hearing was held pursuant to due notice on April 16, 2007, by telephone conference call. The claimant participated. Sheryl Eckhardt, Auditor, participated on behalf of Iowa Workforce Development.

#### FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses, and having considered all of the evidence in the record, finds that: The claimant filed a claim for unemployment insurance benefits effective December 17, 2006. The department randomly selected the claim for review, and Quality Control assigned the case to Auditor Eckhardt.

Eckhardt mailed a Notice of Selection to the claimant on March 6, 2007 that requested he participate in a telephone interview on March 13 at 1:30pm. The Notice contains a warning that a failure to report for the interview will result in a denial of benefits and possible overpayment. Eckhardt also had a telephone conversation with the claimant about the interview.

On March 13, Eckhardt made several attempts to contact the claimant by telephone at the number he had provided, but she received no response. Unbeknownst to Eckhardt, the claimant did not have his cell phone with him when he left his residence in order to receive the call. The claimant did not call-in on the date scheduled for the telephone interview.

Eckhardt waited several days for the claimant to contact her, and when he failed to call-in, she caused the disqualification decision to be issued.

The claimant did contact Eckhardt and the interview was conducted on March 23<sup>rd</sup>. Eckhardt unlocked the claimant's claim, and limited the disqualification to one week of benefit.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant should be disqualified for failing to report.

#### **871 IAC 24.2 Procedures for workers desiring to file a claim for benefits for unemployment insurance provides:**

24.2(1) Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

e. In order to maintain continuing eligibility for benefits during any continuous unemployment, an individual shall report as directed to do so by an authorized representative of the department.

The administrative law judge concludes that the claimant is disqualified for a one-week period ending March 26, 2007, for failing to report as directed by the department for an in-person interview pursuant to 871 IAC 24.2(1)e. The claimant's failure to be available for the telephone interview was without good cause. The claimant corrected this matter by participating in a telephone interview, and the disqualification was limited to one-week, and the claimant was reinstated to benefit status.

#### DECISION:

The decision of the representative dated March 16, 2007, reference 02, is **AFFIRMED**. The claimant is disqualified from receiving benefits for the week ending March 23, 2007, for failing to report for a telephone interview.

rls

