

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**KYLE J TAYLOR**  
Claimant

**APPEAL NO. 14A-UI-08074-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/20/14  
Claimant: Appellant (2)**

Section 96.4-3 - Able to and Available for Work  
871 IAC 24.23(11) - Failure to Report as Directed

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated August 5, 2014, reference 02, that concluded he was ineligible for benefits effective July 27, 2014, because he did not report to the Agency as directed.. A telephone hearing was held on August 27, 2014. The claimant participated in the hearing.

**ISSUE:**

Did the claimant fail to report to the Agency as directed?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of April 20, 2014. He was informed and understood that under the unemployment insurance rules, claimants were subject to disqualification for failing to report to the Agency as directed.

When the claimant filed his weekly claim for the week ending July 5, 2014, by phone, he pressed the wrong button and answered the question "Were you available for work?" "No." This was an error as he was fully able to and available for work that week.

As a result of the wrong answer he provided on the voice response system, a notice was mailed to the claimant that scheduled a telephone interview scheduled on July 31, 2014, to discuss the issue of whether he was available to work during the week ending July 5. The notice also stated that failure to participate in the interview could result in being disqualified from receiving unemployment insurance benefits. The claimant missed the call from the interviewer. He called back within five minutes of the phone call but got no answer. When he eventually was able to speak to a department representative that day about the matter, he was told that the decision had been issued and he would have to appeal.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is ineligible for benefits effective July 27, 2014, because he did not report to the Agency as directed.

The unemployment insurance law provides that a claimant must be able to work, available for work, and actively seeking employment. Iowa Code § 96.4-3. Under the unemployment insurance rules, a claimant who fails to report as directed to the Agency in response to a notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

The claimant should not be subject to a disqualification under 871 IAC 24.23(11) because he missed the phone call. I believe the claimant's testimony that he tried calling back but was not able to reach the interviewer.

**DECISION:**

The unemployment insurance decision dated August 5, 2014, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css