

**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**

**LINDA K PEARSON
723 W 2ND ST S
NEWTON IA 50208**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-03903-B4T
OC: 02-29-04 R: 02
Claimant: Appellant (1)**

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 – Whether Claimant Failed to Report as Directed

STATEMENT OF THE CASE:

Linda K. Pearson appealed from an unemployment insurance decision dated April 5, 2004, reference 01, that held, in effect, the claimant was not eligible to receive unemployment insurance benefits because the records indicated she was mailed a notice to report to a local Workforce Development Center and failed to report as directed. The claimant did not meet the availability requirements of the law and benefits were denied effective March 28, 2004. Linda K. Pearson participated during the hearing. Official notice was taken of the unemployment insurance decision dated April 5, 2004, reference 01, together with the pages attached thereto (4 pages in all).

FINDINGS OF FACT:

The administrative law judge, having examined the entire record in this matter, finds that: Linda K. Pearson filed an initial claim for benefits having an effective date of February 29, 2004. Subsequently the claimant's weekly benefit amount was determined to be \$339.00 per week and the claimant received benefits for the four benefit weeks ending March 27, 2004.

An unemployment insurance notice to report was directed to the claimant on March 23, 2004. The claimant was scheduled for a telephone interview on March 31, 2004 between 2:00 and 3:00 p.m. central time at the number shown on the notice. The claimant was called at the proper time and was not available to participate. The claimant had reported that she refused a job offer or a referral during the benefit week ending April 3, 2004 and did not participate in the hearing to establish a justifiable reason for refusing to accept suitable work.

Following the benefit week ending April 3, 2004, the claimant has contacted the Workforce Development Department and has requalified for benefits once again.

REASONING AND CONCLUSIONS OF LAW:

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.

The evidence in the record clearly establishes that the claimant failed to participate in the telephone interview that was scheduled for March 31, 2004 in response to the unemployment insurance notice to report. Under such circumstances the claimant has failed to comply with the foregoing section of the Iowa Administrative Code and benefits should be denied effective March 28, 2004 until such time as she has requalified under the provisions of the Iowa Employment Security Law.

DECISION:

The unemployment insurance decision dated April 5, 2004, reference 01, is affirmed. Linda K. Pearson is disqualified from receiving unemployment insurance benefits for the benefit week ending March 28, 2004.

tjc/b