

**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**

**RODNEY P RITENOUR  
2425 KAISER CT  
WATERLOO IA 50701**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-01558-DT  
OC: 01/02/05 R: 03  
Claimant: Appellant (2)**

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 24.2-1-e – Failure to Report

STATEMENT OF THE CASE:

Rodney P. Ritenour (claimant) appealed a representative's February 7, 2005 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits as of January 16, 2005 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 March 2, 2005. Prior to the hearing being held, the administrative law judge determined that no hearing was necessary and a decision was made on the record. Based on a review of the information in the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

#### FINDINGS OF FACT:

The claimant established an initial claim for unemployment insurance benefits effective January 2, 2005. On January 11, 2005, the Agency sent the claimant a Notice to Report for a telephone fact-finding interview to be held on January 20, 2005 between 2:00 p.m. and 3:00 p.m. to discuss how a pension payment could affect the claimant's eligibility for unemployment insurance benefits. The claimant received the Notice on or about January 15, 2005. Because the claimant was back at work after a short-term layoff and would not normally be home from work by 2:00 p.m., on or about January 18, 2004 the claimant called an Agency representative in the Agency's Des Moines Claims Section office as directed on the Notice and left a message asking if he could reschedule the January 20 fact-finding interview to a later time.

On January 20 the Des Moines Agency representative returned the claimant's call and left a message for the claimant to call when he returned from work. The claimant did return the call, and the Agency representative informed him that she needed a specific document regarding his pension. The claimant then contacted the pension administrator and requested the necessary document. The pension administrator did not issue the necessary document until February 2, 2005; the claimant received it approximately February 4, 2005. However, on February 1, the claimant received a message from the Des Moines Agency representative indicating that it was too late for him to provide the document and that his unemployment insurance benefits would have to be repaid. When the claimant then later received the document from his pension administrator, he was not sure what he should do. He called the Des Moines Agency representative and left a message that he had received the documentation, but did not hear back. He received the representative's February 7, 2005 decision denying benefits as of January 16 for failure to respond. On February 14, 2005, he went into the Agency's Waterloo office and met with a representative there, giving that representative a copy of the pension administrator's February 2 letter and filing an appeal of the February 7 decision.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant failed to report as required to be eligible for unemployment insurance benefits.

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 claimant did respond and report to the Agency in response to the January 11, 2005 Notice to Report by the date indicated in the Notice. While it appears that the claimant could have taken more prompt action to obtain the necessary documentation that was requested in the discussion on January 20, there is no evidence that there was a secondary mandatory deadline imposed for provision of that documentation. The claimant acted in good faith in his initial response to the Notice, and did also eventually supply the requested documentation. He did report as directed, and benefits are allowed, if the claimant is otherwise eligible.

**DECISION:**

The representative's February 7, 2005 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.

ld/kjf