

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

DUSTIN R WILEY
2832 – 230TH AVE
MOUNT AYR IA 50854

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-01554-DWT
OC 12/07/03 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, 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 are 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 – Report as Directed

STATEMENT OF THE CASE:

Dustin R. Wiley (claimant) appealed a representative's February 5, 2004 decision (reference 02) that concluded he was not eligible to benefits as of January 18, 2004 because he did not report to his local Workforce office as he had been directed to do. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on March 3, 2004. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant report to the Department as he had been directed to do?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of December 7, 2003. The claimant received a message he was to register for work during the week of January 18, 2004. The notice the claimant received indicated he could register by either going to his local Workforce office in Creston or registering over the Internet.

The claimant used the Internet because it was 40 miles to Creston. The claimant followed the instructions and understood he had registered for work when his computer thanked him and indicated he was registered with Iowa Workforce Development Department. The claimant did not know anything was wrong until he received the February 5, 2004 decision. The claimant made a timely call to his local Workforce office and learned the Department had no record of the claimant registering on the Internet. The claimant went to the Creston Workforce office during the week of February 8 and registered to work again, as a local representative instructed him to do.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she 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's failure to report as directed without justifiable cause shall make a claimant ineligible to receive benefits until he reports as a representative directed him to do. Justifiable cause is defined as an important and significant reason that a reasonable person would consider adequate

The facts show the claimant followed the Department's instructions and registered for work on the Internet. Since the computer thanked him and indicated he was registered with the Department, the claimant reasonably concluded he had followed the directions he received from the Department and had registered for work. It was not until the claimant received the representative's February 5, 2004 decision that denied him benefits as of January 18, 2004, he had any knowledge he had not registered for work. Since the claimant attempted to register for work on the Internet as he was told he could do, the claimant followed the Department's instructions. He is eligible to receive unemployment insurance benefits as of January 18, 2004, provided he meets all other eligibility requirements.

DECISION:

The representative's February 5, 2004 decision (reference 02) is reversed. The claimant followed the directions he received about registering for work. Therefore, he is eligible to receive unemployment insurance benefits as of January 18, 2004, provided he meets all other eligibility requirements.

dlw/b