

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**DAN G TUTOR**  
Claimant

**APPEAL NO. 11A-UI-04507-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/05/10**  
**Claimant: Appellant (2)**

871 ICA 24.2(1)e – Failure to Report

**STATEMENT OF THE CASE:**

The claimant, Dan Tutor, filed an appeal from a decision dated March 30, 2011, reference 01. The decision found him ineligible for unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on April 28, 2011. The claimant participated on his own behalf.

**ISSUE:**

The issue is whether the claimant failed to report as directed.

**FINDINGS OF FACT:**

Dan Tutor filed a claim for unemployment benefits with an effective date of December 5, 2010. He was issued a notice to report to his local Workforce Center but did not receive the letter until the Saturday after the report date. He attempted to provide the requested information on-line but did not access the correct web site. On Monday he reported to the Workforce Center and provided the information as requested.

**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 and the payment of benefits, provided the individual is otherwise eligible, shall be on a biweekly basis by mail if the claimant files a Form 60-0151.

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 not report as directed because he did not receive the notice until after the scheduled date had passed. As soon as he did receive the letter he acted promptly and provided the requested information. The failure to report was not due to any lack of diligence on his part. He is eligible for benefits.

**DECISION:**

The representative's decision of March 30, 2011, reference 01, is reversed. Dan Tutor is eligible for benefits.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs