

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAWN N DELORME**  
Claimant

**APPEAL NO. 15A-UI-01175-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/14/14**  
**Claimant: Appellant (1/R)**

871 IAC 24.2(1)e – Failure to Report  
Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Dawn DeLorme (claimant) appealed a representative's January 21, 2015 (reference 01) decision that concluded she had failed to respond to a call-in notice and was, therefore, not eligible to receive unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on February 12, 2015. The claimant participated personally.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: On January 5, 2015, a Letter of Inquiry was mailed to the claimant to return to IWD by January 16, 2015. The claimant left for Hawaii on December 29, 2014 to visit her daughter and son-in-law. She plans to return to Iowa on February 14, 2015. A friend is retrieving the claimant's mail from her postal box but not forwarding any mail to the claimant. The claimant was unaware of the Letter of Inquiry. While in Hawaii the claimant is on vacation and not looking for work.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant has established a good cause reason for having failed to return her Letter of Inquiry.

Iowa Admin. Code r. 871-24.2(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 institutions 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.

Iowa Admin. Code r. 871-24.23(11) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(11) Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

The claimant was directed to return a Letter of Inquiry within ten days of January 5, 2015. The claimant did not do so because she did not receive it. The claimant should return her Letter of Inquiry immediately.

The next issue is whether the claimant is available for work.

Iowa Admin. Code r. 871-24.23(13) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(13) If a claimant is visiting in another area and is not in the labor market.

When a claimant is on vacation and visiting others, she is not available for work. The claimant is not available for work as of the week ending January 3, 2015.

The issue of the overpayment of unemployment insurance benefits is remanded for determination.

**DECISION:**

The representative's January 21, 2015 (reference 01) decision is affirmed. The claimant is not available for work as of the week ending January 3, 2015. She should return the Letter of Inquiry immediately. The issue of the overpayment of unemployment insurance benefits is remanded for determination.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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