

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEVEN A SZALO**  
Claimant

**APPEAL NO. 08A-UI-11647-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/15/08 R: 04  
Claimant: Appellant (2)**

871 IAC 24.2(1)e – Failure to Report  
345 IAC 4.23(27) – Failure to Report

**STATEMENT OF THE CASE:**

Steven Szalo (claimant) appealed a representative's December 9, 2008 decision (reference 03) that concluded he 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 December 29, 2008. The claimant did participate.

**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: A notice was mailed to the claimant to report by taking a telephone call on December 8, 2008. The claimant went to the Iowa Workforce Development Office on the morning of the interview to tell the office staff that he was not able to take the call at that time. The staff person told him it was not necessary to take the call. The claimant provided the staff person with all the information that would be requested at the interview.

**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 report as directed.

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.

871 IAC 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 provided all information requested and was told that he need not take the telephone call. The claimant is eligible to receive unemployment insurance benefits, because he did respond to the Agency's call-in notice by stopping by the office before the interview and providing all the information.

**DECISION:**

The representative's December 9, 2008 decision (reference 03) is reversed. The claimant did not fail to report as directed. Benefits are allowed, provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw