

Workforce Development Center on September 7, 2005, but did not mention the work registration notice because he had already taken care of it.

The claimant never received the unemployment insurance decision dated September 27, 2005, reference 03, which concluded he was ineligible for benefits effective September 25, 2005, for failing to report as directed. He filed his appeal on October 11, 2005, the day after he learned about the disqualification.

#### REASONING AND CONCLUSIONS OF LAW:

The first issue in this case is whether the claimant filed a timely appeal.

Iowa Code section 96.6-2 provides in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

The Iowa Supreme Court has ruled that appeals from unemployment insurance decisions must be filed within the time limit set by statute and the administrative law judge has no authority to review a decision if a timely appeal is not filed. Franklin v. IDJS, 277 N.W.2d 877, 881 (Iowa 1979); Beardslee v. IDJS, 276 N.W.2d 373 (Iowa 1979). The appeal, however, is deemed timely because he never received the decision and appealed immediately after he found out about the disqualification.

The next issue in this case is whether the claimant is ineligible for benefits effective September 25, 2005, because he did not report to the Agency as directed.

The unemployment insurance law provides that a claimant must be able to work, available for work, and actively seeking employment. Iowa Code section 96.4-3. Under the unemployment insurance rules, a claimant who fails to report as directed to the Agency in response to a notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

The claimant reported as directed on September 7, 2005, but had already taken care of his work registration, which ultimately was unnecessary because he was registered to work with his union hall.

#### DECISION:

The unemployment insurance decision dated September 27, 2005, reference 03, is reversed. The claimant is eligible to receive unemployment insurance benefits effective September 25, 2005.

saw/pjs

