

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

JOHN A FISH
2432 – 255TH ST
MONTROSE IA 52639

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-09875-HT
OC: 08/15/04 R: 04
Claimant: Appellant (1-R)

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 is 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 UAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

The claimant, John Fish, filed an appeal from a decision dated September 7, 2004, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on October 6, 2004. The claimant participated on his own behalf.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: John Fish filed a claim for unemployment benefits with an effective date of August 15, 2004. He was partially unemployed by his regular

employer. At the time he filed his claim he was offered a referral to a job as a dishwasher to begin immediately. He declined because he had committed himself to work for his regular employer during the next week.

When he filed his weekly claim he answered that he had refused a referral of work. On August 24, 2004, he was mailed a notice of a telephone interview to be held between 11:00 a.m. and noon on September 2, 2004. He received the notice but was not available during the time the representative attempted to contact him. Mr. Fish had confused this interview with an interview with his employer, which was scheduled and held on September 1, 2004, and did not think he had to report for the second interview due to not reading the notice closely.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified.

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 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 failed to report as directed to Iowa Workforce Development to discuss a potentially disqualifying issue. He received the notice and simply failed to read it closely to know it was a separate interview on a separate date about a separate issue from the scheduled interview on September 1, 2004.

DECISION:

The representative's decision of September 7, 2004, reference 02, is affirmed. The claimant did not have good cause for failing to report as directed for the interview on September 2, 2004.

The issue of the refusal of work is remanded to the Claims Section for determination,.

bgh/b