

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PRESTON G LINLEY**  
Claimant

**APPEAL NO. 09A-UI-04848-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/18/09**  
**Claimant: Appellant (2)**

871 IAC 24.2(1)(e) – Failure to Report as Directed

**STATEMENT OF THE CASE:**

Preston Linley filed a timely appeal from the March 16, 2009, reference 02, decision that denied benefits effective March 3, 2009 based on an alleged failure to report as directed. After due notice was issued, a hearing was scheduled for May 13, 2009. After reviewing the administrative file, the administrative law judge concludes that a hearing is not necessary. Based on the contents of the administrative file, including the claimant's appeal letter, the administrative law judge enters the following findings of fact, conclusions of law, and decision.

**ISSUE:**

Whether the claimant failed to report to Iowa Workforce Development as directed.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Preston Linley, O.D., established a claim for benefits that was effective January 18, 2009. On February 9, 2009, Workforce Development sent a notice to Dr. Linley's address of record in Manchester, Iowa. The notice instructed Dr. Linley to appear at the Cedar Rapids Workforce Development Center on February 23, 2009 between 8:30 a.m. and 3:30 p.m. for the purpose of registering for work opportunities. The notice stated that Dr. Linley also had the option of registering for work on-line by the February 23, 2009 deadline. Dr. Linley had relocated to Ohio at the beginning of February. Dr. Linley never received the notice to report to the Cedar Rapids Workforce Development Center.

**REASONING AND CONCLUSIONS OF LAW:**

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. 871 IAC 24.2(1)(e).

The evidence in the record indicates that Dr. Linley did not receive and was not aware of the notice to report to the Cedar Rapids Workforce Development Center. Under the circumstances,

the failure to report was not willful and would not disqualify Dr. Linley for unemployment insurance benefits.

**DECISION:**

The Agency representative's March 16, 2009, reference 02, is reversed. The claimant did not fail to report as directed. Accordingly, the claimant is eligible for benefits, provided he meets all other eligibility requirements.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs