

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

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IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-00183-S2T
OC: 09/28/03 R: 03
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Nancy Sisco (claimant) appealed a representative's December 29, 2003 decision (reference 02) 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 January 29, 2004. The claimant did participate.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds that: The Agency mailed a notice to report to the claimant on December 9, 2003, which stated that the claimant's failure to respond to the notice within ten days would result in her disqualification for benefits. The claimant did not receive the call-in notice. On January 7, 2004, the claimant discovered that a notice had been sent and reported to Agency to answer all questions.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant failed to report as directed. For the following reasons the administrative law judge concludes she did.

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 was directed to report to the Agency within ten days of December 9, 2003. The claimant did not report to the Agency because she did not receive the notice. When a claimant does not report as directed by a call-in notice, she will not be qualified to receive benefits. The claimant reported to the Agency as soon as she discovered the notice. The claimant is eligible to receive unemployment insurance benefits.

DECISION:

The representative's December 29, 2003 decision (reference 02) is reversed. The claimant is eligible to receive unemployment insurance benefits.

bas/b