

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

MITCHELL D MARTIN  
2103 HERSHEY AVE  
MUSCATINE IA 52761

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-07952-CT  
OC: 06/20/04 R: 04  
Claimant: Appellant (4)

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC24.2(1)e – Reporting Requirements

STATEMENT OF THE CASE:

Mitchell Martin filed an appeal from a representative's decision dated July 19, 2004, reference 03, which denied benefits effective June 20, 2004 on a finding that he failed to report to his local office as directed. After due notice was issued, a hearing was held by telephone on August 16, 2004. Mr. Martin participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: On July 9, 2004, Workforce Development mailed Mr. Martin a notice that he was to be available by telephone between 1:00 p.m. and 2:00 p.m. on July 15

for an interview. The issue noted was as follows: "When you called in your claim for the week ending 6-26-04 your answers indicated that you started receiving a pension." Mr. Martin received the notice but thought it related to unemployment insurance and not unemployment benefits. He was not available by telephone on the date and time noted. He contacted his local office on July 22 after receiving the disqualification dated July 19, 2004.

Mr. Martin is not receiving a pension. He inadvertently pushed the wrong button when calling in his claim for the week ending June 26, 2004.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Martin had good cause for not being available for the telephone interview on July 15. He does not dispute that he received the notice of the interview. The notice indicated that the interview was in reference to responses Mr. Martin gave when he called in his claim for the week ending June 26, 2004. Given this notation, there should have been no confusion as to the purpose of the interview. Based on the foregoing, the administrative law judge concludes that Mr. Martin has not established good cause for not being available on July 15, 2004.

An individual claiming job insurance benefits is required to report to his local office as directed. See 871 IAC 24.2(1)e. Otherwise, he is subject to disqualification from benefits. The administrative law judge concludes that Mr. Martin should be disqualified from the week in which the interview was to be conducted until he reported to his local office. The interview was to be on July 15 and, therefore, he is disqualified from receiving benefits as of the Sunday of that week, July 11. He reported to his local office on July 22 and, therefore, is allowed benefits as of the Sunday of that week, July 18.

#### DECISION:

The representative's decision dated July 19, 2004, reference 03, is hereby modified. Mr. Martin is disqualified from receiving job insurance benefits for the one week ending July 17, 2004 because he failed without good cause to report to his local office as directed.

cfc/b