

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANTHONY D KEMP
Claimant

APPEAL NO: 13A-UI-07953-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/15/12
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Availability for Work

STATEMENT OF THE CASE:

The claimant appealed a representative's July 1, 2013 determination (reference 03) that held him ineligible to receive benefits for the week ending June 29, 2013, because he had not reported to his local Workforce office as directed. The claimant responded to the hearing notice, but was not available for the hearing. A message was left for the claimant to contact the Appeals Section, but he did not. Based on the administrative record and the law, the administrative law judge concludes the claimant is eligible to receive benefits for the week ending June 29, 2013.

ISSUE:

Did the claimant timely report or provide requested information?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of July 15, 2012. On June 18, 2013, a notice was mailed to the claimant that an interview was scheduled for him on June 27, 2013. A department representative wanted the claimant to answer questions about his work search for the week ending June 8, 2013.

A representative called the claimant, but was unable to talk to the claimant on June 27. A representative called the claimant again on June 28, 2013. During this phone call, the claimant provided information about his job contacts for the week ending June 8, 2013.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by

notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11). Even though the claimant was not available for a phone interview on June 27, he participated in a phone interview on June 28, 2013. The claimant established his availability for work for the week ending June 29, 2013. He is eligible to receive benefits for this week.

DECISION:

The representative's July 1, 2013 determination (reference 03) is reversed. The claimant established his availability for work for the week ending June 29, 2013. He is eligible to receive benefits for the week ending June 29, 2013.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs