

**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**

**TOBY W BATIE
917 – 20TH AVE #4
CORALVILLE IA 52241**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-04143-AT
OC: 02-29-04 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)

Section 871 IAC 24.2(1)e – Reporting as Directed

STATEMENT OF THE CASE:

Toby W. Batie filed a timely appeal from an unemployment insurance decision dated April 5, 2004 reference 04 which denied benefits to him effective March 28, 2004 upon a finding that he had not responded to a notice which had been mailed to him. Due notice was issued for a telephone hearing to be held April 26, 2004. At the claimant's request, it was held instead on April 19, 2004.

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: Toby W. Batie received a notice from the agency to

be available for a telephone interview on April 1, 2004. At the same time, he received other notices instructing him to go to his local Workforce Development Center. He did so and also discussed the issue for the scheduled telephone interview. Thinking the matter had been resolved, Mr. Batie was not at home at the scheduled time of the interview. The interview issued a decision denying benefits to Mr. Batie because he could not be reached by phone at the scheduled time of the interview. Mr. Batie had inadvertently indicated that he had refused an offer of work during the week ending March 13, 2004. He had not refused any offers.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Batie should be denied benefits for failing to report as directed. The administrative law judge concludes that Mr. Batie substantially complied with the notice mailed to him by discussing the issue in person at his local Workforce Development Center rather than waiting for the scheduled telephone interview. It appears that his failure to participate in the telephone interview was the result of missed communications within the agency and between Mr. Batie and the agency. Benefits are allowed.

DECISION:

The unemployment insurance decision dated April 5, 2004 reference 04 is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

sb/b