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

**SEVEA SHILTS**
Claimant

**APPEAL NO.  16A-UI-09278-S1-T**

**ADMINISTRATIVE LAW JUDGE**
**DECISION**

**IOWA WORKFORCE**
  **DEVELOPMENT DEPARTMENT**

**OC:  07/03/16**
**Claimant:  Appellant  (2)**

871 IAC 24.2(1)e – Failure to Report

**STATEMENT OF THE CASE:**

Sevea Shilts (claimant) appealed a representative's August 22, 2016, decision (reference 05) that concluded she had failed to respond to a notice to report 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 September 13, 2016.  The claimant participated personally.  Exhibit D-1 was received into evidence.

**ISSUE:**

The issue is whether the claimant failed to report as directed.

**FINDINGS OF FACT:**

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds:  The claimant did not receive a notice to report.  A Notice of Unemployment Insurance Fact-Finding Interview was sent to the claimant.  The notice did not inform the claimant of the date of the interview, August 19, 2016.  The notice was not mailed ten days in advance of the interview.  The claimant happened to send in a doctor's release for information in another fact-finding interview.  The doctor's note indicated the claimant was released to return to work on August 8, 2016.  On August 19, 2016, the fact-finder called the claimant but the claimant was not available.  The fact-finder noted that the claimant appeared by written statement.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits as of August 14, 2016, provided she is otherwise eligible.

Iowa Admin. Code r. 871-24.2(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 account at a financial institution 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.

Iowa Admin. Code r. 871-24.23(11) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.
(11) Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

The claimant was not directed to report to the Agency within ten days of August 10, 2016. She was not given a date to report. The date the Agency wanted her to report was nine days from August 10, 2016. Even so, the claimant did report to the Agency by written statement. The claimant was not afforded due process before her benefits were removed. The claimant is eligible to receive unemployment insurance benefits as of August 14, 2016, provided she is otherwise eligible.

**DECISION:**

The representative's August 22, 2016, decision (reference 05) is reversed. The claimant is eligible to receive unemployment insurance benefits as of August 14, 2016, provided she is otherwise eligible.


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Beth A. Scheetz
Administrative Law Judge


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Decision Dated and Mailed


bas/pjs