

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**BARRY S POE**  
Claimant

**APPEAL NO. 19A-UI-03829-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/24/19**  
**Claimant: Appellant (2)**

871 IAC 24.2(1)e – Failure to Report

**STATEMENT OF THE CASE:**

Barry Poe (claimant) appealed a representative's May 6, 2019, decision (reference 05) that concluded he had failed to respond to a letter of inquiry 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 May 31, 2019. 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 Agency mailed a Notice of Unemployment Insurance Fact-Finding Interview to the claimant on an unknown date. The document did not state that the claimant's failure to participate in a telephone interview on May 3, 2019, would result in his disqualification for benefits. The claimant did not receive the notice. Notes from the interviewer indicate that the interviewer called the claimant's cellphone number and left a message for the claimant with his appeal rights. The claimant did not receive a call or message on his cellphone on that date.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant has established a good cause reason for having failed to report as directed.

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.

- (1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly on a debit card specified by the department.
- (2) 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 directed to participate in a fact-finding interview. The claimant did not participate because he had no notice of the interview and did not receive a call from the interviewer. When a claimant does not have proper notice of an interview, his subsequent nonparticipation is not disqualifying. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The representative's May 6, 2019, decision (reference 05) is reversed. The claimant is eligible to receive unemployment insurance benefits because he did not receive the Notice of Unemployment Insurance Fact-Finding Interview. Benefits are allowed, provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs