

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EDITH M HULBERT
Claimant

APPEAL NO: 09A-UI-08364-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11 /02/08
Claimant: Appellant (2)**

871 IAC 24.2(1)e – Failure to Register as Directed

STATEMENT OF THE CASE:

Edith M. Hulbert (claimant) appealed a representative's June 8, 2009 decision (reference 05) that denied her benefits as of May 31, 2009, because she failed to report to her local Workforce office as directed. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on June 25, 2009. The claimant participated in the hearing.

During the week of April 12, 2009, the claimant started receiving Emergency Unemployment Compensation benefits. This case should have been entered as a EUCU case, but was not.

Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant be considered unavailable and ineligible to receive benefits as of May 31, 2009, if she did not report to her local Workforce office as directed?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of November 2, 2008. The claimant was found eligible to receive a maximum of \$90.00 a week in unemployment insurance benefits. During the week of April 12, 2009, the claimant started receiving Emergency Unemployment Compensation. The claimant has filed claims for the weeks ending April 18 through June 20, 2009.

The claimant has problems receiving her mail. She did not receive a notice informing her she was required to report to her local Workforce office in late May 2009. The first time the claimant learned she was to report to her local Workforce office was when she received a representative's June 8, 2009 decision. After she received this decision, she contacted her local Workforce office and then filed her appeal on June 10, 2009.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code section 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's failure to report as directed without justifiable cause shall make a claimant ineligible to receive benefits until she reports as a representative had directed her to do. Justifiable cause is defined as an important and significant reason that a reasonable person would consider adequate.

The claimant established a justifiable reason for failing to contact her local Workforce office in late May. The claimant did not receive a written notice instructing her to contact her local agency. As soon as the claimant received the June 8 representative's decision, she contacted her local Workforce. Since the claimant did not receive instructions to report to her local Workforce office in late May, she is not ineligible to receive benefits as of May 31 for failing to report to her local Workforce office.

(The claimant is not eligible to receive benefits for the weeks ending June 6, 13 and 20, because she earned excessive earnings.)

DECISION:

The representative's June 8, 2009 decision (reference 05) is reversed. Since the claimant did not receive a notice or a directive to report to local Workforce office, as of May 31, she remains eligible to receive benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs