

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JENNIFER GRIMSLEY
Claimant

APPEAL NO. 16A-UI-07397-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/21/16
Claimant: Appellant (2)**

871 IAC 24.2(1)e - Failure to Report
Iowa Code § 96.4-3 - Able and Available for Work
Iowa Code § 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 14, 2016, (reference 06), which denied benefits as of June 5, 2016, due to the claimant's failure to report as directed. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on July 25, 2016. The claimant participated in the hearing. Department's Exhibit D-1 was admitted into evidence.

ISSUES:

The issues are whether the claimant's appeal is timely and whether the claimant failed to report as directed and does not meet the availability requirements of the law.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: A disqualification decision was mailed to the claimant's last-known address of record on June 14, 2016. The claimant received the decision June 25, 2016, which was one day after the due date of the appeal. The claimant has received several letters from the Department and was confused with regard to the due date. She filed her appeal as soon as she talked to a Department representative. Under these circumstances, the administrative law judge concludes the claimant's appeal is timely.

The claimant filed a claim for benefits with an effective date of February 21, 2016. On May 25, 2016, the Department mailed her a letter directing her to return the letter with the requested information to Workforce by June 6, 2016, to answer questions about her claim. The claimant did not do so and denies ever receiving the letter.

REASONING AND CONCLUSIONS OF LAW:

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

A claimant will be disqualified as unavailable for work if she fails to report as directed to Iowa Workforce Development in response to the notice that was mailed to her. See 871 IAC 24.23(11).

871 IAC 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.

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 administrative law judge is convinced that the claimant never received the Notice to Report and she cannot be disqualified for her failure to report when she never received the Notice.

DECISION:

The unemployment insurance decision dated June 14, 2016, (reference 06), is reversed. The claimant did not fail to report as directed. Benefits are allowed effective June 5, 2016, provided the claimant is otherwise eligible and has not been disqualified for another issue.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs