

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WILFRED GHANYEA
Claimant

APPEAL 19A-UI-08935-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/29/19
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available
871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

Wilfred Ghanyea (claimant) appealed a representative's November 5, 2019, decision (reference 03) that concluded he 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 December 6, 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:

The administrative law judge, having considered all of the evidence in the record, finds that: The Agency mailed a notice to report to the claimant on October 21, 2019, which stated:

WARNING

Failure to return the information by the date requested could
result in a DISQUALIFICATION OF BENEFITS already paid
and/or future benefits.

The information was due by October 31, 2019. The claimant did not receive the notice to report.

On October 31, 2019, the claimant noticed that he had not received his unemployment insurance benefits for the week ending October 26, 2019. He contacted the agency for information. A worker told the claimant that a notice to report had been sent to him requesting employer information. The claimant told the worker he had not received the notice to report. He provided the worker with the information requested about the employer, Pro Staff. The worker told the claimant to call back the following week to check on the claim.

On or about November 5, 2019, the claimant called the agency. The agency allowed the claimant benefits for the week ending October 26, 2019. It issued the claimant a decision dated November 5, 2019, reference 03, denying benefits for the week ending November 2, 2019,

because the claimant did not return the paper dated October 21, 2019. The claimant has never received the notice to report. The claimant is able and available for work.

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 return a form with information to the agency. He was unaware that a form was sent but provided the information by the date requested by speaking directly with a workforce employee. The claimant did not return the paper because he had no paper to return. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The representative's November 5, 2019, decision (reference 03) is reversed. Benefits are allowed, provided the claimant is otherwise eligible. He has established a good cause reason for having failed to return the paper.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn