

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**DAVID W PAXSTON
801 S DRAKE AVE
CENTERVILLE IA 52544**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-00420-AT
OC: 12-07-03 R: 03
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.2(1)e – Reporting as Directed

STATEMENT OF THE CASE:

David W. Paxston filed a timely appeal from an unemployment insurance decision dated January 7, 2004, reference 04, which denied benefits to him effective January 4, 2004 upon a finding that he did not report to the Agency as directed. After due notice was issued, a telephone hearing was held February 3, 2004 with Mr. Paxston participating. The administrative law judge takes official notice of Agency benefit payment records.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: David W. Paxston received a notice from the Agency advising him of a fact-finding interview to be held by telephone on January 6, 2004. Mr. Paxston had recently been evicted from his lodgings, and his cell phone minutes had expired. The Agency could not contact him on January 6, 2004. Mr. Paxston filed a weekly claim for unemployment insurance benefits for the week ending December 27, 2003. He did not request benefits again until the week ending January 24, 2004. Benefits have been allowed for that week and for the week ending January 31, 2004.

REASONING AND CONCLUSIONS OF LAW:

The question is whether benefits should be withheld because the claimant did not report as directed. The administrative law judge concludes that denial of benefits is unnecessary. First of all, the evidence establishes that Mr. Paxston did not request benefits for the weeks ending January 10 or January 17, 2004. He has apparently provided the Agency with the information it sought because benefits have been allowed effective January 18, 2004. Furthermore, the evidence establishes that Mr. Paxston learned of the interview only two days before it was to be held and did not have any means through which the Agency could contact him. Under these circumstances, there should be no interruption of benefits since the filing of the additional claim effective January 18, 2004.

DECISION:

The unemployment insurance decision dated January 7, 2004, reference 04, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

tjc/b