

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARLY J PUTNAM
Claimant

APPEAL NO. 11A-UI-14084-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/17/11
Claimant: Appellant (2)**

871 IAC 24.2(1)e – Reporting as Directed

STATEMENT OF THE CASE:

Carly J. Putnam filed a timely appeal from an unemployment insurance decision dated October 18, 2011, reference 03, that denied benefits to her effective October 16, 2011, upon a finding that she had not reported to the Agency as directed. After due notice was issued, a telephone hearing was held November 22, 2011, with Ms. Putnam participating. Exhibit A was admitted into evidence.

ISSUE:

Did the claimant report to the Agency as directed.

FINDINGS OF FACT:

Iowa Workforce Development mailed a notice to Carly J. Putnam instructing her to participate in a telephone interview during the week of October 16, 2011, on an availability issue. Ms. Putnam did not receive the notice until after the date of the interview. She reported to her local workforce development center and explained the issue. By this time, the Agency had issued a fact-finding decision denying benefits to Ms. Putnam. Her explanation was attached to an appeal form and forwarded to Des Moines. Ms. Putnam had inadvertently indicated that she was not available for work during the first week of her claim.

REASONING AND CONCLUSIONS OF LAW:

The question here is whether benefits should be denied based on 871 IAC 24.2(1)e, a rule that imposes sanction on individuals who fail to report to the Agency as directed. The evidence in this record persuades the administrative law judge that Ms. Putnam did not receive the notification in a timely manner due to her moving. The claimant testified credibly that she believed she had filled out a change of address form for the postal service but that some mail was still delivered to her former address. Under these circumstances, denial of benefits is not appropriate.

DECISION:

The unemployment insurance decision dated October 18, 2011, reference 03, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw