

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SCOTT A BEHNE
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 20A-UI-01705-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/12/20
Claimant: Appellant (1)

Iowa Code § 96.4-3 – Able and Available for Work
871 IAC 24.2(1)(e) – Failure to Report
871 IAC 24.23(11) – Failure to Report

STATEMENT OF THE CASE:

Scott Behne (claimant) appealed a representative's February 13, 2020, decision (reference 02) 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 March 12, 2020. The claimant participated personally. The administrative law judge took official notice of the administrative file.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of January 12, 2020. For the week ending February 1, 2020, the claimant reported that he refused an offer of work. On February 6, 2020, Iowa Workforce Development (IWD) sent the claimant a notice of fact-finding interview at the claimant's last known address of record. The interview was scheduled for February 11 or 12, 2020.

The claimant lost the key to his community mailbox in early January 2020. His mother arranged for a replacement key in late February 2020. The claimant did not receive the notice until the end of February 2020, because he did not replace the key to his postal box for two months. On February 11 or 12, 2020, the fact-finder called the claimant and left a voice mail with a telephone number, a thirty-minute window of time to return the call, and the claimant's appeal rights. The claimant received the voice message but did not return the call.

The claimant received the representative's decision and contacted IWD to seek information about filing an appeal. The claimant did not give IWD information about his data entry for the week ending February 1, 2020. The claimant is able and available for work and was unaware that he mistakenly pushed a button when reporting that indicated he refused an offer of work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has not 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 participate in a fact-finding interview. The claimant did not participate because he lost the key to his mailbox and did not replace it for two months. Failure to access to one's own mail when one has the ability to control access is not good cause for not participating in the interview. Benefits are denied as of February 9, 2020. The claimant should contact IWD immediately after receipt of this decision and provide information.

DECISION:

The representative's February 13, 2020, decision (reference 02) is affirmed. Benefits are denied as of February 9, 2020. The claimant should contact IWD immediately after receipt of this decision and provide information.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn