

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREA S MARKOWSKI
Claimant

APPEAL NO. 09A-UI-08065-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/19/09
Claimant: Appellant (2)

871 IAC 24.2(1)e – Failure to Report
345 IAC 4.23(27) - Failure to Report

STATEMENT OF THE CASE:

Andrea Markowski (claimant) appealed a representative's May 29, 2009 decision (reference 02) that concluded she had failed to respond to a call-in notice and was, therefore, not eligible to receive unemployment insurance benefits. A hearing was not deemed necessary to be held in order to make a decision for reasons which will appear in the Findings of Fact.

ISSUE:

The issue is whether the claimant reported as directed.

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The decision dated June 18, 2009, reference 03, indicates the claimant is eligible to receive unemployment insurance benefits as of May 30, 2009. The claimant was able and available for work as of May 30, 2009.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant reported as directed and was able and available for work for the week ending May 30, 2009.

871 IAC 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 method of reporting and the payment of benefits, provided the individual is otherwise eligible, shall be on a biweekly basis by mail if the claimant files a Form 60-0151.

The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's financial institution's account or be paid by the mailing of a warrant on a biweekly basis.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

The department retains the ultimate authority to choose the method of reporting and payment.

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.

Due to the decision dated June 18, 2009, reference 03, the claimant is eligible to receive unemployment insurance benefits for the week ending May 30, 2009.

DECISION:

The representative's May 29, 2009 decision (reference 02) is reversed. Due to the decision dated June 18, 2009, reference 03, the claimant is eligible to receive unemployment insurance benefits for the week ending May 30, 2009.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs