

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

DANIEL L ORR
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IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-08843-SWT
OC: 05/29/05 R: 04
Claimant: Appellant (2-R)

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 24.23(11) - Failure to Report as Directed

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 19, 2005, reference 04, that concluded he was ineligible for benefits effective July 31, 2005, because he did not report to the Agency as directed.. A telephone hearing was held on September 9, 2005. The claimant participated in the hearing.

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of May 29, 2005. The claimant was informed and understood that under the unemployment insurance rules, claimants were subject to disqualification for failing to report to the Agency as directed.

A notice was mailed to the claimant on July 27, 2005, that stated there was a telephone interview scheduled for August 5, 2005, to discuss the issue of a job refusal. The notice also stated that failure to participate in the interview could result in being disqualified from receiving unemployment insurance benefits.

The claimant was waiting for the claimant on the date and time of the interview but did not participate in the interview because the Agency had the wrong phone number for him. When the claimant figured out that the Agency had the wrong telephone number for him, he tried calling the phone number listed on his notice but no one answered the phone.

During the week ending July 16, 2005, the claimant declined a minimum wage job offer from Movie Gallery, 3301 Pennsylvania Avenue 100, Dubuque, Iowa.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is ineligible for benefits effective July 31, 2005, because he did not report to the Agency as directed.

The unemployment insurance law provides that a claimant must be able to work, available for work, and actively seeking employment. Iowa Code Section 96.4-3. Under the unemployment insurance rules, a claimant who fails to report as directed to the Agency in response to a notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

The claimant is not subject to disqualification for not reporting as directed. The claimant was available to take the call at the time for the interview but because of an Agency error, he was not called. He was able to and available for work that week.

During the week ending July 16, 2005, the claimant declined a minimum wage job offer from Movie Gallery, 3301 Pennsylvania Avenue 100, Dubuque, Iowa. This matter is remanded to the Agency for a determination as to whether the claimant failed to accept an offer of suitable work without good cause.

DECISION:

The unemployment insurance decision dated August 19, 2005, reference 04, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible. The issue of whether the claimant failed to accept an offer of suitable work without good cause is remanded to the Agency for a determination.

saw/kjw