

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

MARY E NORTON  
5055 NORTHRIDGE PT S  
CEDAR RAPIDS IA 52403

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-08134-JTT  
OC: 08/04/05 R: 03  
Claimant: Appellant (2R)

**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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 24.(1)(e) – Claimants to Report as Directed

STATEMENT OF THE CASE:

Mary Norton filed a timely appeal from the August 4, 2005, reference 01, decision that denied benefits and determined that Ms. Norton had failed to report as directed. After due notice was issued, a hearing was held on September 8, 2005. Ms. Norton participated. Department Exhibit D-1 was received into evidence.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Norton received notice from Workforce Development that she needed to participate in a telephone interview on August 3, 2005 between 10:00 a.m. and 11:00 a.m. The Notice was erroneously addressed to Mary *Robinson*. Ms. Norton may also have received notice from Workforce Development that she needed to appear at her local Workforce Development Center

on August 3, 2005 between 10:00 a.m. and 11:00 a.m. Ms. Norton had commenced employment and, due to her work schedule, did not expect to be available for either appointment as scheduled. Ms. Norton made several unsuccessful attempts to contact the designated Agency representative at the telephone number provided in the notice of the telephone interview.

On August 2, Ms. Norton went to her local Workforce Development Center and spoke to a representative. Ms. Norton advised the representative that she had received notice for two appointments that had been scheduled at the same time. Ms. Norton also advised the representative that she had commenced employment and would be unavailable for either appointment at the scheduled time. The representative noted the information provided by Ms. Norton and instructed Ms. Norton to leave a message for the designated Agency representative regarding the telephone interview. Ms. Norton complied.

On August 3, Ms. Norton went to work, but made arrangements for her husband to be by the telephone between 10:00 and 11:00 a.m. in case a Workforce Development representative called. A Workforce Development representative did not call during the designated hour. At 11:15 a.m., a representative made contact with Mr. Norton and requested to speak to Mary *Robinson*. Mr. Norton provided appropriate explanation regarding the erroneous last name of the claimant and offered to provide Ms. Norton's social security number as well as the number at which Ms. Norton could be reached. The representative terminated the call without taking any of the offered information. On August 4, an Agency representative issued the reference 01 decision that denied benefits and determined Ms. Norton had failed to report as directed.

#### REASONING AND CONCLUSIONS:

The question is whether the evidence in the record establishes that Ms. Norton failed to report as directed and is, therefore, disqualified for benefits. It does not.

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. See 871 IAC 24(1)(e).

The evidence in the record indicates that Ms. Norton took reasonable and appropriate steps to alert the Agency representative of her good cause for not being available at the scheduled time for the telephone interview or in-person interview. The Agency made a number of mistakes in connection in the course of directing Ms. Norton to appear either for a telephone or in person interview. First, the Agency got Ms. Norton's last name wrong. Next, the Agency apparently sent Ms. Norton instructions to appear for two different interviews at the same time, one in person and the other by telephone. Next, the Agency did not appropriately act upon the information Ms. Norton provided the day before the scheduled interview, i.e. that she had good cause for not being available at the scheduled time. Next, an Agency representative did not telephone Ms. Norton's home until after the time period during which it had directed Ms. Norton to make herself available. Next, the Agency representative rejected Mr. Norton's attempts to put the Agency representative in touch with Ms. Norton. The many errors the Agency made in connection with this matter reflect poorly upon the Agency representative's involved and present the Agency itself in a bad light. Ms. Norton's frustration is understandable.

Based on the evidence in the record and the applicable law, the administrative law judge concludes that Ms. Norton did not fail to report as directed. This matter will be remanded so

that an Agency representative can take appropriate steps to follow up with Ms. Norton regarding the issue that prompted the request for the interview. That issue was whether Ms. Norton had commenced receiving a pension that might impact on her eligibility for benefits. Ms. Norton will need to decide whether she wishes to further pursue her claim for benefits. If so, Ms. Norton will have to report to the Agency as directed to answer appropriate questions regarding her claim.

DECISION:

The Agency representative's August 4, 2005, reference 01, decision is reversed. The claimant did not fail to report as directed. The matter is remanded so that the Agency may interview the claimant on the issue of whether she has commenced receiving a pension that impacts on her eligibility for benefits.

jt/kjw