

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CATHY J SMITH
Claimant

APPEAL NO. 15A-UI-12863-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/18/15
Claimant: Appellant (2)

871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

Cathy Smith (claimant) appealed a representative's November 16, 2015, decision (reference 01) that concluded she had failed to respond to a letter of inquiry 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 December 10, 2015. The claimant participated personally. The claimant offered and Exhibit A was received into evidence.

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: A letter of inquiry was mailed to the claimant to respond to IWD by November 10, 2015. The claimant did not receive the letter and did not respond.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has 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.

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.

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.

When a claimant does not report as directed by a letter of inquiry, she will not be qualified to receive benefits. In this case, the claimant did not receive the letter of inquiry. The claimant is eligible to receive unemployment insurance benefits. She is directed to report to IWD with information about her pension.

DECISION:

The representative's November 16, 2015, decision (reference 01) is reversed. The claimant is eligible to receive unemployment insurance benefits because she did not receive IWD's letter of inquiry. The claimant should contact IWD immediately after receipt of this decision with information about her pension.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css