

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FERNANDO GALVAN
Claimant

APPEAL NO: 12A-UI-13264-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/01/12
Claimant: Appellant (2)

871 IAC 24.2(1)e – Failure to Report as Directed

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 24, 2012 determination (reference 03) that denied him benefits as of October 21, 2012, because he did not report as directed. The claimant did not respond to the hearing notice or participate in the hearing. Based on the administrative record, and the law, the administrative law judge concludes the claimant did not fail to report as directed because he did not receive the October 12 notice to report paperwork.

ISSUE:

Did the claimant fail to report as directed?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 1, 2012. When the claimant established his claim, he lived in Iowa. Prior to October 12, 2012, the claimant moved to North Carolina with his wife.

On October 12, the Department mailed a notice to the claimant at his former Ottumwa, Iowa address and asked him to provide the name of his most recent employer and the dates of his employment. The notice indicated the claimant had to return the requested information by October 22, 2012. The claimant did not receive the October 12 notice.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

Before a claimant can report, he must receive notice. The record establishes the Department did not send the notice to the claimant's current address in North Carolina. Therefore, the claimant cannot be held unavailable and ineligible to receive benefits as of October 21, 2012. However, an October 29, 2012 determination (reference 02) disqualified the claimant from receiving benefits as of September 10, 2012, because he had voluntarily quit his employment

for reasons that do not qualify him to receive benefits. This means that based on the reasons for his employment separation the claimant remains ineligible to receive benefits as of September 10, 2012.

DECISION:

The representative's October 24, 2012 determination (reference 03) is reversed. Since the Department did not mail a notice to the claimant's correct mailing address, he did not receive the October 12 notice to report. The claimant cannot be held ineligible for failing to report when he did not know the Department wanted information from him by October 22, 2012. The claimant is not ineligible to receive benefits as of October 21, 2012, for failing to report. But, an October 29, 2012 determination disqualified him from receiving benefits as of September 10, 2012, and this determination disqualifies him from receiving benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css