

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LANCE P KISOR**  
Claimant

**APPEAL NO: 14A-UI-06412-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/27/14  
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able to and Available for Work  
871 IAC 24.2(1)e – Failure to Report as Directed

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's June 13, 2014 (reference 03) determination that denied him benefits as of May 11, 2014 because he failed to participate in a scheduled phone interview. The claimant participated at the July 14 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is eligible to receive benefits as of May 11, 2014.

**ISSUE:**

Did the claimant fail to participate in a scheduled June 12 phone interview?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of April 27, 2014. When the claimant filed a claim for the week ending May 17, he reported he had refused a job offer or referral. As a result of this information, on June 5 a notice was mailed to the claimant informing him that he would be called between 10 and 11 a.m. on June 12 so he could provide information about what happened during the week ending May 17.

A representative called the claimant on June 12, but the claimant was not available when the call came in. The claimant heard the message left and returned the representative's call about five minutes later. Even though the claimant left a message, no one called him back. A June 13 determination was issued that held the claimant ineligible as of May 11 because the claimant did not participate at the June 12 phone interview.

**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). The evidence indicates that even though the claimant did not talk to the representative when he

was initially called, the claimant returned the representative's call within a short time and left a message for the representative. The claimant did not fail to participate at a June 12 phone interview. Therefore, as of May 11, 2014 the claimant is eligible to receive benefits.

Even if the claimant had not participated in the June 12 phone interview, he could only be ineligible as of June 8 not May 11, 2014. The Department cannot hold a claimant ineligible for failing to report on a date that is about a month before the scheduled phone interview.

**DECISION:**

The representative's June 13, 2014 (reference 03) determination is reversed. The claimant attempted to participate at the June 12 phone interview. Therefore, he cannot be denied benefits as of May 11, 2014. He remains eligible to receive benefits as of May 11, 2014.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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