

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DOUGLAS DUNCAN**  
Claimant

**APPEAL NO: 09A-UI-07765-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11-30-08  
Claimant: Appellant (2)**

871 IAC 24.6(6) - Reemployment Services  
871 IAC 24.2(1)e - Failure to Report

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated May 22, 2009, reference 02, which denied benefits effective the week ending May 17, 2009, based on the claimant's failure to report as directed. After a hearing notice was mailed to the parties' last-known addresses of record, a telephone hearing was held June 16, 2009. The claimant participated in the hearing. The employer was available to participate but chose not to because he did not have any information to provide regarding this issue. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant had good cause for failing to report to Iowa Workforce Development (IWD) as directed.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was scheduled to report to the Department office to answer questions about his pension the week ending May 17, 2009. After receiving the letter he realized he would be out of town that day and called his local office. He was told to provide his cell phone number and Workforce would call him at that number. The claimant did not receive a call on his cell phone that day and there were no messages from Workforce on his home answering machine when he returned home the following day. The claimant last claimed benefits the week ending January 31, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 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.

The evidence indicates the claimant failed to report as directed because he was not called by IWD at the number he provided. The administrative law judge concludes the claimant has established a good-cause reason for having failed to report as directed. Accordingly, benefits are allowed.

**DECISION:**

The unemployment insurance decision dated May 22, 2009, reference 02, is reversed. The claimant has established a good-cause reason for failing to report as directed. Benefits are allowed effective May 17, 2009, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/css