

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SAUL GARCIA**  
Claimant

**APPEAL NO: 14A-UI-08882-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/11/14**  
**Claimant: Appellant (2)**

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

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's August 22, 2014 (reference 05) determination that held him ineligible to receive benefits as of August 10, 2014 because he did not report or provide information to the Department as directed. The claimant participated at the September 22 hearing. Olga Esperaza interpreted the 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 August 10, 2014.

**ISSUE:**

Is the claimant eligible to receive benefits as of August 10, 2014?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of May 11, 2014. The claimant received a notice that he would be contacted by a Department representative about some issues on August 14. The claimant was not available for this phone call on August 14 and contacted his local Workforce to reschedule this interview. The claimant understood the date of the interview would be rescheduled and he would receive information in the mail informing him the date the interview would be rescheduled.

The claimant did not receive any information when his telephone interview had been rescheduled. After he received the August 22 determination informing him that he was not eligible to receive, he went to his local Workforce office and filed an appeal on August 27, 2014. Even though the determination states, "You must report to your local Workforce office to remove this disqualification, the disqualification was not removed on August 27.

**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).

When the claimant was not available to provide information at the initial date and time, he contacted his local Workforce office. He was told this interview would be rescheduled and he would receive a notice informing when another interview would be held. The claimant did not receive the rescheduled date and time for the interview. Since the claimant did not receive notice about the new time and date of a phone interview, he is not ineligible to receive benefits as of August 10, 2014.

(NOTE: When the claimant went to his local Workforce office on August 27 to file an appeal, the disqualification imposed by the August 22 determination should have been removed as of August 24 and it was not.)

**DECISION:**

The representative's August 22, 2014 (reference 05) determination is reversed. The claimant did not receive the rescheduled notice after the first phone interview date was continued. As a result, the claimant cannot be held ineligible for missing a phone interview when he did not receive notice when a new date and time was scheduled for him to provide the requested information. As of August 10, 2014 the claimant is eligible to receive benefits.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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