

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

Appeal Number: 15IWDUI129
OC: 01/04/15
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed Notice of Appeal, directly to the **Employment Appeal Board, 4TH Floor Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

TAMARA CHAPIN
5557 SUMMERLAND DR
WATERLOO, IA 50701

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
QUALITY CONTROL
JODI DOUGLAS

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

GERI LAINSON, IWD
JONI BENSON, IWD
NICHOLAS OLIVENCIA, IWD

(Administrative Law Judge)

April 21, 2015

(Decision Dated & Mailed)

871 IAC 24.2(1)e, 24.11 – Quality Control

STATEMENT OF THE CASE

Claimant/Appellant Tamara Chapin appealed a decision issued by Iowa Workforce Development (“IWD”), dated March 2, 2015, reference 01, finding she was ineligible to receive unemployment insurance benefits as of February 22, 2015 because she was mailed a notice to report for an interview with a quality control auditor on February 27, 2015 and she failed to report.

On March 31, 2015, IWD transmitted the administrative file to the Department of Inspections and Appeals to schedule a contested case hearing. When IWD transmitted the administrative file, it mailed a copy to Chapin. On April 3, 2015, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested

case hearing for April 20, 2015. Prior to the hearing IWD submitted an additional packet of documents to the administrative law judge and to Chapin.

On April 20, 2015, a contested case hearing was held before Administrative Law Judge Heather L. Palmer. Chapin appeared and testified. Geri Lainson appeared and testified on behalf of IWD. Exhibits 1 through 3 were admitted into the record.

ISSUES

Whether IWD correctly determined the claimant is ineligible to receive unemployment insurance benefits.

Whether IWD correctly determined that the claimant did not establish justifiable cause for not reporting for an interview with a Quality Control Auditor and not meeting the availability requirements of the law.

FINDINGS OF FACT

Chapin works for John Deere. In January 2015, Chapin's plant shut down and she filed a claim for unemployment insurance benefits.

IWD randomly selects individuals receiving unemployment insurance benefits to participate in a Quality Control Review. IWD randomly selected Chapin for Quality Control Review.

On January 26, 2015, Lainson sent Chapin an Eligibility Review Questionnaire with a letter explaining the review process. The letter informed Chapin her response would be reviewed and if any items needed to be verified, she would be scheduled for a telephone interview.

IWD received Chapin's response to the Eligibility Review Questionnaire on February 3, 2015. Lainson found Chapin had not completed several pages of the Eligibility Review Questionnaire. Chapin provided a note at the bottom of the first page stating, "I am working @ John Deere, I'm not sure why I received this letter. I received the benefits while we had a full . . . shutdown." (Exhibit 1).

Lainson determined Chapin's response was incomplete. On February 10, 2015, Lainson called Chapin and told her she needed to schedule an interview with her to complete the Eligibility Review Questionnaire. Chapin agreed she could speak with Lainson on February 11, 2015, at 1:30 p.m.

Lainson did not contact Chapin at 1:30 p.m. on February 11, 2015. She called Chapin at 1:50 p.m., 2:00 p.m., and 2:35 p.m. and left messages asking Chapin to contact her. During her last message, Lainson told Chapin she needed to call by 2:35 p.m. on February 12, 2015, or she may be denied benefits. Lainson testified she did not hear from Chapin.

On February 17, 2015, Lainson mailed Chapin a Notice to Report for a telephone interview on February 23, 2015 at 2:00 p.m. On February 23, 2015, Lainson called Chapin. Chapin informed her she was at work and could not complete the interview at that time. Chapin reported she had received the packet of information and would provide a response to Lainson by February 27, 2015. Lainson testified she did not receive a response from Chapin by February 27, 2015.

IWD sent Chapin a decision dated March 2, 2015, reference 01, finding she was ineligible to receive unemployment insurance benefits as of February 22, 2015 because she was mailed a notice to report for an interview with a quality control auditor on February 27, 2015 and she failed to report.

REASONING AND CONCLUSIONS OF LAW

Chapin applied for unemployment insurance benefits in January 2015 when her plant was shut down. IWD is required to select individuals for eligibility review.¹ IWD mails each individual selected an Eligibility Review Questionnaire if the individual is in an active status at the time the Eligibility Review Questionnaire is printed.² On January 26, 2015, Lainson mailed an Eligibility Review Questionnaire, which was due February 5, 2015. Lainson received a response from Chapin, but determined her response was incomplete. Chapin did not submit any written or other supporting evidence that she did not receive unemployment insurance benefits in January 2015, when IWD selected her for an eligibility review and mailed her the Eligibility Review Questionnaire.

If an individual fails to respond to the Eligibility Review Questionnaire within the period designated on the Eligibility Review Questionnaire, the local IWD office must send the individual notice to report.³ Lainson made several unsuccessful attempts to interview Chapin.

If an individual does not respond after receiving the notice to report, IWD is required to lock the individual's claim to prevent payment.⁴ "Before an administrative law judge can rule on a disqualification for failure to report at an Iowa workforce development center as directed, there must be evidence to show that the individual was required to report for an interview."⁵

On February 17, 2015, Lainson mailed Chapin a notice to report for a telephone interview on February 23, 2015 at 2:00 p.m. On February 23, 2015, Lainson called Chapin. Chapin informed her she was at work and could not complete the interview at that time. Chapin reported she had received the packet of information and would provide her response to Lainson by February 27, 2015. Lainson testified she did not receive a response from Chapin by February 27, 2015, and locked her claim. IWD's decision should be affirmed.

¹ 871 IAC 24.11.

² *Id.* 24.11(4)d.

³ *Id.*

⁴ *Id.*, 24.2(1)e.

⁵ *Id.* 24.11(4)f.

DECISION

IWD's decision, dated March 2, 2015, reference 01, is AFFIRMED.

hlp