

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**RACHAEL L JASPER  
629 PIN OAK DR  
HOLY CROSS IA 52053**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-12128-HT  
OC: 10/02/05 R: 04  
Claimant: Appellant (2)**

**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 written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> 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.

STATE CLEARLY

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 Workforce Development. 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

The claimant, Rachel Jasper, filed an appeal from a decision dated November 22, 2005, reference 04. The decision disqualified her from receiving unemployment benefits beginning November 13, 2005, because she failed to report as directed to her local Workforce Center. After due notice was issued a hearing was held by telephone conference call on December 6, 2005. The claimant participated on her own behalf.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Rachael Jasper filed a claim for unemployment benefits with an effective date of October 2, 2005. On October 24, 2005, she was sent a notice

to report to her local Workforce Center to fill out the necessary registration for work. She was mailed the forms and notified to report no later than November 18, 2005.

Ms. Jasper called the Workforce Center and was told she could mail the necessary forms and she did so the next day. However, the forms were never received and the claimant did not know this until she received the decision which is at issue. As soon as she received the decision she reported in person to the Workforce Center and filled out the necessary forms.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is not.

871 IAC 24.2(1)e provides:

e. In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

The method of reporting and the payment of benefits, provided the individual is otherwise eligible, shall be on a biweekly basis by mail if the claimant files a Form 60-0151.

The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's financial institution's account or be paid by the mailing of a warrant on a biweekly basis.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

The department retains the ultimate authority to choose the method of reporting and payment.

The claimant did submit the forms by mail as she had been told she could. The fact the forms were not received by the Workforce Center is a circumstance over which the claimant had no control. She made a good-faith and diligent effort to comply with the requirements of Iowa Workforce Development and disqualification may not be imposed.

#### DECISION:

The representative's decision of November 22, 2005, reference 04, is reversed. Rachael Jasper is qualified for benefits provided she is otherwise eligible.

bgh/tjc