

**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**

**JEFFREY D JESSOP
230 S FOSTER AVE
OTTUMWA IA 52501**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-01869-DT
OC: 01/09/05 R: 03
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, 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.

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.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.2-1-e – Failure to Report

STATEMENT OF THE CASE:

Jeffrey D. Jessop (claimant) appealed a representative's February 21, 2005 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits as of February 13, 2005 because he had not responded to an Agency notice to an issue relating to his eligibility. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on March 10, 2005. The claimant received the hearing notice and responded by calling the Appeals Section on March 2, 2005. He provided a telephone number at which he indicated that he would be available at the scheduled time for the hearing. However, when the administrative law judge called that number at the scheduled time for the hearing, the claimant was not available. Therefore, the claimant did not participate in the hearing. Based on a review of the information in the administrative file and the law, the

administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant established an initial claim for unemployment insurance benefits effective January 9, 2005. He filed a weekly claim for the week ending January 22, 2005, and in response to the claim question as to whether he had refused an offer of work, he entered, "yes." On February 8, 2005, the Agency sent a "Notice to Report" to the claimant's last known address of record for a telephone interview to be held between 2:00 p.m. and 3:00 p.m. on February 16, 2005 to address the potential refusal. The representative's decision in this case was issued on February 21, 2005 because of a conclusion that the claimant had not responded or participated in that telephone interview. On February 23, 2005, the claimant appealed the representative's decision that had disqualified him as of February 13, 2005. On February 28, 2005, the notice of hearing was issued in this matter, setting the claimant's appeal hearing on the disqualification for March 10, 2005.

After the scheduled time for the hearing in this case, the administrative law judge learned by chance that a subsequent representative's decision was issued on March 7, 2005 (reference 04), which concluded that the claimant's answer to the question regarding the work refusal during the week ending January 22, 2005 had been an erroneous entry on the claimant's part, and that he had not actually refused an offer of work. Likewise, another representative's decision was also issued on March 7, 2005 (reference 05), which concluded that the claimant's failure to report on February 16, 2005 was for "an acceptable reason" – the claimant had asserted verbally to a local Agency representative that he did not recall having received any "Notice to Report."

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant failed to report as required to be eligible for unemployment insurance benefits.

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 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 administrative law judge chooses to acquiesce to the conclusions reached by the Agency representatives in the subsequent decisions issued on March 7, 2005. The claimant is not disqualified for failing to report as directed.

DECISION:

The representative's February 21, 2005 decision (reference 03) is reversed. The claimant is not disqualified as of February 13, 2005 for failing to report as directed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

ld/kjf