

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSE D WOODS
Claimant

APPEAL NO. 09A-UCX-00006-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/21/08
Claimant: Appellant (2)**

871 IAC 24.23(11) - Failure to Report as Directed
Section 96.6-2 - Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 20, 2009, reference 01, that concluded he was ineligible for benefits effective January 11, 2009, because he did not report to the Agency as directed. A telephone hearing was held on April 7, 2009. The claimant participated in the hearing. Exhibit A-1 was admitted into evidence at the hearing.

ISSUES:

Did the claimant file a timely appeal?
Did the claimant fail to report to the Agency as directed?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of September 21, 2008. The claimant was informed and understood that under the unemployment insurance rules, claimants were subject to disqualification for failing to report to the Agency as directed.

A notice was mailed to the claimant on December 22, 2008, that stated the claimant was required to complete a work registration form by reporting to his local Workforce Development Center or completing it online by January 13, 2009, or he could be denied benefits.

The claimant never received the notice and was unaware that he was required complete a work registration.

An unemployment insurance decision was mailed to the claimant's last-known address of record on January 20, 2009. The decision concluded that he was disqualified as of January 11, 2009, and stated the decision was final unless a written appeal was postmarked or received by the Appeals Section by January 30, 2009.

The claimant never received the disqualification decision. He filed a written appeal on March 11, 2009, which is after the time period for appealing had expired. He appealed after

checking his bank account and discovering he was not receiving benefits. The claimant also completed the work registration.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law requires appeals to be filed within 10 days after a decision is mailed to the person's last-known mailing address. Iowa Code section 96.6-2. The rules, however, state that if the failure to file a timely appeal was due to some Agency error or misinformation or delay or other action of the United States Postal Service, the delay in filing the appeal is excused. 871 IAC 24.35(2). Based on the rule, the appeal is deemed timely.

The next issue in this case is whether the claimant is ineligible for benefits effective January 11, 2009, because he did not report to the Agency as directed. Under the unemployment insurance rules, a claimant who fails to report as directed to the Agency in response to a notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

The claimant is eligible for benefits effective January 11, 2009, because he never received the notice that he was to complete the work registration. Once he found out that he needed to complete the work registration, he did so.

DECISION:

The unemployment insurance decision dated January 20, 2009, reference 01, is reversed. The claimant is eligible for benefits effective January 11, 2009, provided he is otherwise qualified.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs