

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATRICIA LEHNER**  
Claimant

**APPEAL NO: 10A-UI-07757-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 08-02-09**  
**Claimant: Appellant (2)**

871 IAC 24.6(6) - Reemployment Services  
871 IAC 24.2(1)e - Failure to Report

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from an unemployment insurance decision dated May 24, 2010, reference 01, which denied benefits for the week ending May 22, 2010, based on the claimant's failure to report as directed. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on July 10, 2010. The claimant participated in the hearing. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant had good cause for failing to report to Iowa Workforce Development (IWD) as directed.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was scheduled to participate in additional application for job search assistance by May 17, 2010, but failed to do so. She was allowed to do it online or by going to her local Workforce office. The claimant went online several times before May 17, 2010, to try to fulfill the requirement as directed but after completing the form several times it would not go through when she tried to send it when done. She tried to reach her local office on many occasions to notify it of the problem but was unable to get through. She finally was successful in sending the completed form May 21, 2010.

## **REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant is eligible for benefits since she failed to report as directed.

871 IAC 26.8(3), (4) and (5) provide:

Withdrawals and postponements.

(3) If, due to emergency or other good cause, a party, having received due notice, is unable to attend a hearing or request postponement within the prescribed time, the presiding officer may, if no decision has been issued, reopen the record and, with notice to all parties, schedule another hearing. If a decision has been issued, the decision may be vacated upon the presiding officer's own motion or at the request of a party within 15 days after the mailing date of the decision and in the absence of an appeal to the employment appeal board of the department of inspections and appeals. If a decision is vacated, notice shall be given to all parties of a new hearing to be held and decided by another presiding officer. Once a decision has become final as provided by statute, the presiding officer has no jurisdiction to reopen the record or vacate the decision.

(4) A request to reopen a record or vacate a decision may be heard ex parte by the presiding officer. The granting or denial of such a request may be used as a grounds for appeal to the employment appeal board of the department of inspections and appeals upon the issuance of the presiding officer's final decision in the case.

(5) If good cause for postponement or reopening has not been shown, the presiding officer shall make a decision based upon whatever evidence is properly in the record.

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.

871 IAC 24.23(11) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(11) Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

The evidence indicates the claimant failed to report as directed because she could not get the completed form to go through when sent from her computer. The claimant has established justifiable cause for her failure to report as directed. Accordingly, benefits are allowed for the week ending May 22, 2010.

**DECISION:**

The unemployment insurance decision dated May 24, 2010, reference 01, is reversed. The claimant has established a good-cause reason for failing to report as directed. Benefits are allowed effective the week ending May 22, 2010, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs