

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

CLIFFORD H TIPTON  
203 AMY LN  
MT AYR IA 50854

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-10807-SWT  
OC: 07/04/04 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, 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 24.23(11) - Failure to Report as Directed

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 1, 2004, reference 02, that concluded he was ineligible for benefits effective September 26, 2004, because he did not report to the Agency as directed. A telephone hearing was held on November 1, 2004. The claimant participated in the hearing.

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of July 4, 2004. 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 September 22, 2004, that stated there was a telephone interview scheduled for September 19, 2004, to discuss the issue of his discharge from employment. The notice also stated that failure to participate in the interview could result in being disqualified from receiving unemployment insurance benefits.

The claimant did not participate in the interview because he never received the notice and was having problems receiving calls on his phone at the time. The following week, however, the claimant participated in a fact-finding interview with his employer and was determined eligible for unemployment insurance benefits.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is ineligible for benefits effective September 26, 2004, because he did not participate in a telephone interview as directed.

The unemployment insurance law provides that a claimant must be able to work, available for work, and actively seeking employment. Iowa Code section 96.4-3. 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 had good cause for failing to participate in the telephone interview on September 29, 2004, because he never received the notice of the interview. The issue regarding his separation from employment has been resolved in his favor.

#### DECISION:

The unemployment insurance decision dated October 1, 2004, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

saw/tjc