

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAY R RAGSDALE**

Claimant

**APPEAL NO: 09A-UI-05180-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/01/09**

**Claimant: Appellant (2)**

871 IAC 24.2-1-e – Failure to Report

**STATEMENT OF THE CASE:**

Jay R. Ragsdale (claimant) appealed a representative's March 23, 2009 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits because he had not responded to an Agency notice to respond 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 April 30, 2009. The claimant participated in the hearing. During the hearing, Exhibits A-1 and Claimant's Exhibits A and B were entered into evidence. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant disqualified from receiving unemployment insurance benefits for a failure to report as directed?

**FINDINGS OF FACT:**

The claimant established an initial claim for unemployment insurance benefits effective February 1, 2009. An Agency record indicates a notice to report was generated on February 23, 2009, purportedly directing the claimant to register to work either in person or online by March 12, 2009. This notice was addressed to the claimant at a prior address, 14823 U Plaza, Omaha, NE 68137. No evidence of mailing was provided, and the claimant did not receive this notice, so he did not respond. As a result, on March 23, 2009 the Agency sent the claimant the disqualification decision.

The claimant did receive an Agency notice to report which was generated on March 9, 2009, instructing him to register for work either in person or online "on or before 3/30/09 by 3:00 p.m." This notice had also been mailed to the claimant's prior Omaha address, but had been forwarded to the claimant's new Waverly, NE address. The envelope in which it was mailed was postmarked by a meter mark dated March 20, 2009. He received this notice on or about March 26, and did register for work on line before March 30, 2009 by 3:00 p.m.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant can be found ineligible for unemployment insurance benefits for a failure to report as required.

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 timely respond to the notice he received. Benefits are allowed, if the claimant is otherwise eligible.

**DECISION:**

The representative's March 23, 2009 decision (reference 01) is reversed. The claimant did report as directed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/css