

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELVIN L SCHULTZ
Claimant

APPEAL NO. 10A-UI-09188-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/18/10
Claimant: Appellant (2)

871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

The claimant appealed a representative's June 22, 2010 decision (reference 02) that concluded he had failed to respond to a call-in notice and was, therefore, not eligible to receive unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 28, 2010. The claimant participated personally. The record consists of the testimony of Kelvin Schultz. Official notice is taken of agency documents.

ISSUE:

The issue is whether the claimant failed to report as directed.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant was sent a notice to report to the local workforce development office in Newton, Iowa, on June 18, 2010. This date fell on a Friday. The claimant did not receive the notice until June 21, 2010. He reported to the local workforce office on June 22, 2010.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant established a good-cause reason for having failed to report as directed.

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 in this case established that the reason the claimant did not report as directed was that he received the notice after the date he was to report. Upon receipt of the notice, he did report to the local workforce office. Good cause has been shown for not reporting as requested. Benefits are allowed if the claimant is otherwise eligible.

DECISION:

The representative's June 22, 2010 decision (reference 02) is reversed. Good cause was shown for the claimant's failure to report as directed. Benefits are allowed if the claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs

