

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICHOLAS W GLADE
Claimant

APPEAL NO. 10A-UI-10334-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/14/10
Claimant: Appellant (2)**

871 IAC 24.2(1)e – Failure to Report as Directed

STATEMENT OF THE CASE:

The claimant appealed a representative's July 20, 2010 decision (reference 02) that held him ineligible to receive benefits as of July 18, 2010, because he was not available for phone call on July 19, 2010. A telephone hearing was held on September 11, 2010. The claimant did not respond to the hearing notice or participate in the hearing. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant be ineligible to receive benefits as of July 18, 2010, for failing to be available for a phone call on July 19, 2010?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of February 14, 2010. The claimant received a letter that he would receive a phone call about an employment separation. The claimant waited for the call, but he was not called.

The representative reported the claimant was called two times on July 19 and messages were left both times. There is no information that the representative called the claimant's correct phone number. The claimant had changed his number.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4-3. To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant's failure to report as directed without justifiable cause shall make a claimant ineligible to receive benefits until he reports as a representative had directed him to do. Justifiable cause is defined as an important and significant reason that a reasonable person would consider adequate.

Since the claimant was being called about the reasons for an employment separation, 871 IAC 24.2(1)e does not apply this situation. Even if the regulation applies, there is no information that the representative called the correct phone number. Based on the information in the administrative record, the claimant remains eligible to receive benefits as of July 18, 2010.

DECISION:

The representative's July 20, 2010 decision (reference 02) is reversed. The claimant remains eligible to receive benefits as of July 18, 2010, because it is not known what phone number a representative called and the regulation relied upon does not apply under the facts of this case.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw