

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICOLE C FARRELL
Claimant

APPEAL 19A-UI-07824-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/19/19
Claimant: Appellant (2)**

871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

Nicole Farrell (claimant) appealed a representative's October 2, 2019, decision (reference 04) that concluded she had failed to respond to a notice to report 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 October 28, 2019. The claimant participated personally.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: On an unknown date the department sent the claimant a notice of fact-finding interview at the claimant's last known address of record. The interview was scheduled for October 1, 2019. The claimant received the notice. On October 1, 2019, the claimant was working and received the message about the interview as soon as she took a break. When she returned the call, approximately thirty minutes later, she could not reach the fact-finder.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Admin. Code r. 871-24.2(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.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly on a debit card specified by the department.

(2) The department retains the ultimate authority to choose the method of reporting and payment.

Iowa Admin. Code r. 871-24.23(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 claimant was directed to participate in a fact-finding interview. The claimant did not participate because she could not reach the fact-finding interviewer. The interviewer did not answer. A claimant is not disqualified when she attempts to participate and follow the instructions given. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The representative's October 2, 2019, decision (reference 04) is reversed. The claimant has established a good cause reason for having failed to report as directed. The claimant is eligible to receive unemployment insurance benefits because she called and the interviewer did not answer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn