

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MIICHAEL L YOUNG
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL 19A-UI-07224-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/24/19
Claimant: Appellant (4)**

871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

Miichael Young (claimant) appealed a representative's September 6, 2019, decision (reference 05) that concluded he 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 September 25, 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: The claimant filed a claim for unemployment insurance benefits with an effective date of March 24, 2019. On April 22, 2019, the agency identified the claimant as a worker who should search for work through his union hall. This designation remained in effect until August 16, 2019, when a workforce worker mistakenly changed the claimant's code on the computer. The code was corrected on August 22, 2019. From August 16 to August 22, 2019, the claimant was incorrectly identified as a worker who should search for work by resume. The claimant was not notified of this change and continued to search for work at his union hall. Likewise, he was not notified by the department when it changed his requirement from resume to a union hall search on August 22, 2019.

On August 19, 2019, when he filed his weekly report, the department determined he did not make an adequate work search under the rules for a resume search. He did make an adequate work search at his union hall. The department found him ineligible to receive unemployment insurance benefits for the week ending August 17, 2019, because of his inadequate work search for the week in a representative's September 6, 2019, decision, reference 04.

On August 23, 2019, the department sent the claimant a notice to report for a fact-finding interview at the claimant's last known address of record to discuss his inadequate work search. The interview was scheduled for September 4, 2019. The claimant confused the date and did not participate in the interview. A denial decision was issued on September 6, 2019, based on the claimant's failure to participate. On September 11, 2019, the claimant filed an appeal to the representative's September 6, 2019, decision, reference 05.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has not established a good cause 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 he confused the dates. It is a claimant's responsibility to participate in an interview with the department, his nonparticipation is disqualifying. The claimant has provided information at the appeal hearing. Benefits are denied from September 1 through 21, 2019. Benefits are allowed effective September 22, 2019, provided the claimant is otherwise eligible.

DECISION:

The representative's September 6, 2019, decision (reference 05) is modified in favor of the appellant. The claimant did fail to report as directed but has since provided information. Benefits are denied from September 1 through 21, 2019. Benefits are allowed effective September 22, 2019, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs