

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

DOUGLAS R HARKEY
1964 ROSEMONT
DUBUQUE IA 52002

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-05882-SWT
OC: 04/17/05 R: 04
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-7 – Failure to Participate in Reemployment Services

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 23, 2005, reference 02, that denied him unemployment insurance benefits because he failed to participate in reemployment services. A telephone hearing was held on June 21, 2005. The claimant participated in the hearing.

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of April 17, 2005. The claimant was scheduled for a reemployment services appointment on

May 19, 2005. He missed the appointment because he did not receive the notice until May 20, 2005. He called immediately on May 20 and rescheduled the appointment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant should be denied benefits because he failed to participate in reemployment services.

Iowa Code section 96.4-7 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

7. The individual participates in reemployment services as directed by the department pursuant to a profiling system, established by the department, which identifies individuals who are likely to exhaust benefits and be in need of reemployment services.

The claimant is eligible to receive unemployment insurance benefits for the week ending May 21, 2005, because he had good cause to fail to participate in reemployment services - he never received the notice that was sent until the day after the class was over.

DECISION:

The unemployment insurance decision dated May 23, 2005, reference 02, is reversed. The claimant is eligible to receive unemployment insurance benefits for the week ending May 21, 2005.

saw/kjw