

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

DAN E PARVIN
840 ALPINE RD
MARION IA 52302

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-03125-DWT
OC: 02/02/05 R: 02
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)

871 IAC 24.6(6) – Reemployment Services

STATEMENT OF THE CASE:

Dan E. Parvin (claimant) appealed a representative's March 24, 2005 decision (reference 02) that concluded he was not eligible to receive benefits for the week ending March 26, 2005, because he did not participate in reemployment service training on March 22. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on April 13, 2005. The claimant did not 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:

Is the claimant eligible to receive benefits for the week ending March 26, 2005, if he failed to attend a scheduled reemployment service meeting on March 22?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of February 20, 2005. A Department representative scheduled a training or meeting for the claimant to attend at his local Workforce office on March 22, 2005. The claimant did not attend the meeting on March 22 because he went to a job interview that was out of state. The claimant went to his local Workforce office on March 24, 2005. The claimant filed a claim for benefits for the week ending March 26, 2005.

REASONING AND CONCLUSIONS OF LAW:

A claimant shall participate in reemployment services training unless the claimant established a justifiable reason for a failure to participate in the training or services. 871 IAC 24.6(6). The record reveals the claimant had a justifiable reason for not attending the March 22, 2005 reemployment training session. Therefore, the claimant is eligible to receive unemployment insurance benefits for the week ending March 26, 2005.

DECISION:

The representative's March 24, 2005 decision (reference 02) is reversed. Even though the claimant failed to participate in a March 22, 2005 training session, he had a justifiable reason for not going. The claimant is eligible to receive unemployment insurance benefits for the week ending March 26, 2005.

dlw/pjs