

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**YEE CHANG**  
Claimant

**APPEAL 17A-UI-09371-JC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/11/17**  
**Claimant: Appellant (2)**

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Iowa Code § 96.4(7) – Reemployment services  
Iowa Admin. Code r. 871-24.6 – Profiling for reemployment services  
Iowa Admin. Code r. 871-24.2(1)e – Procedures for workers desiring to file a claim for benefits  
Iowa Admin. Code r. 871-24.23 (11) – Failure to Report  
Iowa Admin. Code r. 871-24.11 – Eligibility review program  
Iowa Code § 96.4(3) – Available for work

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the September 11, 2017 (reference 11) unemployment insurance decision that concluded the claimant was ineligible for unemployment benefits because the claimant failed to participate in a reemployment services orientation.

The parties were properly notified of the hearing. A telephone hearing was held on September 27, 2017. The claimant participated personally and through a Hmong interpreter with CTS Language Link. Ann Connor, workforce advisor, also participated. The administrative law judge took official notice of the claimant's unemployment insurance benefits records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Did the claimant fail to report as directed by a department representative, or offer justifiable cause for failure to do so?  
Did the claimant fail to participate in a reemployment services orientation as directed, or offer justifiable cause for failure to do so?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant filed a claim for unemployment insurance benefits with an effective date of June 11, 2017. The claimant was selected to participate in a reemployment services orientation on September 6, 2017 in Spencer, Iowa. A notice was mailed to the claimant on August 11, 2017, informing the claimant of the orientation. It was mailed to the claimant's address of record, which is a valid address. The claimant stated she checks her mail nearly every day. However,

the claimant did not receive the notice. The claimant stated she is unable to read or write and relies upon her children and a friend to translate her mail for her. The claimant reviewed her mail received from Iowa Workforces Development and could not identify a document with the Iowa Works logo on it.

The claimant did not report for the appointment because she did not know she had to report.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant did provide justifiable cause for her failure to report as directed to participate in a reemployment and eligibility assessment appointment.

If the department identifies a claimant who is likely to exhaust benefits, in order to be eligible for weekly benefits a claimant must report as directed to participate in reemployment services. Iowa Code § 96.4(7). Unemployment insurance rules require a claimant to participate in reemployment services when referred by the department unless the claimant establishes justifiable cause for failure to participate or the claimant has previously completed such training or services. Iowa Admin. Code r. 871-24.6(6). Failure by the claimant to participate without justifiable cause shall disqualify the claimant from the receipt of benefits until the claimant participates in the reemployment services. Iowa Admin. Code r. 871-24.6(6).

Justifiable cause for failure to participate is defined as “an important and significant reason which a reasonable person would consider adequate justification in view of the paramount importance of reemployment to the claimant.” Iowa Admin. Code r. 871-24.6(6). Failure to report or have justifiable cause for failing to report means the claimant has failed to meet the availability requirements of the law. Iowa Admin. Code r. 871-24.2(1)e and 871-24.23(11).

In this case, the claimant was mailed and received a notice to report to the Spencer office to attend a mandatory reemployment services orientation, but she did not receive the notice of the appointment. Non-receipt of the notice is justifiable cause for failure to report as directed. The claimant is eligible to receive unemployment insurance benefits effective September 3, 2017, because she did have justifiable cause for failing to participate in a reemployment and eligibility assessment.

Benefits are allowed, so long as the claimant meets all other requirements (See Appeal 17A-UI-09370-JC-T). However, if the claimant has other unemployment decisions preventing her from being able to collect unemployment benefits, those issues must be resolved before she can receive any benefits.

**DECISION:**

The September 11, 2017, (reference 11) unemployment insurance decision is reversed. The claimant has provided justifiable cause for having failed to report for a reemployment and eligibility assessment appointment as directed. Benefits are allowed effective September 3, 2017, so long as claimant is otherwise eligible.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

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