

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

THERESA M RACZ
2053 N TOWNE CT NE #1
CEDAR RAPIDS IA 52402

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-02211-CT
OC: 01/09/05 R: 03
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 871 IAC 24.6(6) – Re-employment Services

STATEMENT OF THE CASE:

Theresa Racz filed an appeal from a representative's decision dated February 28, 2005, reference 02, which denied benefits for the one week ending February 26, 2005 on a finding that she failed to participate in re-employment services. After due notice was issued, a hearing was held by telephone on March 21, 2005. Ms. Racz participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Racz was to report for re-employment services at 10:00 a.m. on February 23, 2005. However, she did not receive the notice and, therefore, did

not report as scheduled. When she received the disqualifying decision, she made arrangements to reschedule the re-employment appointment.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the disqualification imposed for failing to report as directed should be affirmed. Inasmuch as Ms. Racz did to receive the notice to report, she could not have complied with its directions. Therefore, the disqualification for the week ending February 26, 2005 shall be removed.

DECISION:

The representative's decision dated February 28, 2005, reference 02, is hereby reversed. No disqualification is imposed for the week ending February 26, 2005 as Ms. Racz did not receive the notice to report to her local office that week. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/tjc