

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MALOVE CHAYEE
Claimant

APPEAL 19A-UI-02922-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/13/19
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Available for work
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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the April 2, 2019 (reference 03) unemployment insurance decision that found claimant was not eligible for unemployment benefits because claimant failed to report for a reemployment services appointment. The parties were properly notified of the hearing. A telephone hearing was held on April 29, 2019. The claimant participated personally. Kristina Hughes participated on behalf of Iowa Workforce Development (“IWD”). IWD Exhibits 1-4 and Claimant Exhibit A were admitted. The administrative law judge took official notice of the claimant’s unemployment insurance benefits records.

ISSUES:

Is the claimant available for work effective March 24, 2019?
Did the claimant fail to report as directed by a department representative to participate in a reemployment services appointment or offer justifiable cause for their 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 January 13, 2019. Claimant was selected to participate in a reemployment services appointment and mailed her notice to report on February 5, 2019 for a February 27, 2019 appointment. Claimant had not previously participated in this appointment during this claim year.

At the reemployment services appointment, the claimant signed a RESEA agreement, which provided in part that she agreed to participate in two workshops on March 12, 2019 at the Wallace Building (Department Exhibit 2). Claimant did not read the agreement carefully and contended her advisor told her she only needed to attend one workshop, not both, and did not

clearly state that both workshops would be held at the Wallace Building, not the Army Post Road Iowa Works office. Consequently, the claimant went to the Army Post Road office on March 12, 2019 and missed her first workshop. She was able to complete her second required workshop that day. Ms. Hughes contacted the claimant in response to a message left when the claimant visited the incorrect office. She explained to the claimant that the claimant would not be immediately penalized for missing the first workshop and they agreed to reschedule it. The claimant and Ms. Hughes agreed the claimant would complete the missed workshop on March 29, 2019 at the Army Post Road location.

The claimant did not appear for the workshop on March 29, 2019. The claimant attributed her non-attendance to dealing with personal issues and matters related to her phone being turned off. She did not contact IWD prior to the appointment to inform it of the reason claimant could not attend the appointment. She contacted IWD after missing the appointment, calling the customer service line, and hung up on the IWD representative when she became frustrated. To date, she has not completed the required workshop.

The claimant has been able to and available for work since March 24, 2019. The claimant has made appropriate employer contacts each week in which claimant has filed weekly-continued claims for benefits. The claimant has not refused any offers of work. The claimant has properly reported all wages, vacation pay, holiday pay, and pension pay earned for each weekly continued claim for benefits that has been filed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did not provide justifiable cause for the failure to report as directed to participate in a reemployment services appointment. Benefits are denied effective March 24, 2019 and continuing until the claimant reports for this appointment.

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11). 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. *Id.* Justifiable cause for failure to participate includes an important and significant reason which a reasonable person would consider adequate justification in view of the paramount importance of reemployment to the claimant. Justifiable cause includes when the claimant is scheduled for an employment interview, is verified return to work, or both prior to the scheduled appointment or service. *Id.* The claimant shall contact the agency prior to the scheduled appointment or service to advise the department of the justifiable cause. *Id.* Failure to report for the appointment, failure to contact the agency prior to the scheduled appointment or service to advise the department of the justifiable cause for missing the appointment, or failure to have justifiable cause for failing to report for the appointment means the claimant has failed to meet the availability requirements of the law. *Id.*

The claimant in this case failed to attend both required workshops on March 12, 2019. When the second workshop was rescheduled for March 29, 2019 at the Iowa Works office, the claimant failed to report as directed. The claimant did not notify IWD of the reason claimant failed to report as directed. Claimant failed to present justifiable cause for her failure to report as directed for a reemployment services appointment.

DECISION:

The April 2, 2019 (reference 03) unemployment insurance decision is affirmed. The claimant has not provided justifiable cause for having failed to report for a reemployment services appointment. Benefits are denied effective March 24, 2019, and continuing until the claimant reports for the reemployment services appointment.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn