

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAVID GRULKY
Claimant

APPEAL 20A-UI-12352-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/16/20
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Eligibility – Able to, available for, work search
Iowa Code § 96.4(7) – Eligibility – Reemployment Services
Iowa Admin. Code r. 871-24.2(1)e – Eligibility – A&A – Failure to report
Iowa Admin. Code r. 871-24.23(11) – Eligibility – A&A – Failure to report
Iowa Admin. Code r. 871-24.6(6) – Eligibility – Reemployment Services

STATEMENT OF THE CASE:

Claimant filed an appeal from the September 30, 2020 (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on December 7, 2020, at 11:00 a.m. Claimant participated. Iowa Workforce Development participated through Stacy Perkins, Workforce Program Coordinator. Department's Exhibits 1 – 4 were admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant is able to and available for work.
Whether claimant failed to report as directed by a department representative.
Whether claimant participated in the re-employment services class.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an initial claim for benefits effective August 16, 2020. Claimant was required to participate in RE-Employment Services and Eligibility Assessment (RESEA). On September 21, 2020, claimant's RESEA advisor informed him that he was required to view a workshop online and submit a summary to his advisor by September 28, 2020. Claimant watched the workshop on September 27, 2020; claimant did not email a summary to his advisor by September 28, 2020. Claimant did not see the link regarding instructions for submitting the summary. Claimant did not contact his advisor with questions about how and when to submit the summary.

On September 30, 2020, a decision was issued finding claimant failed to participate in RESEA and, thus was not able to and available for work; the decision denied benefits effective September 27, 2020. Upon receiving the decision, claimant reread the information provided by his advisor and submitted a summary of the workshop on October 6, 2020. On October 6,

2020, a decision (reference 03) was issued finding claimant had since participated in RESEA and was able to and available for work; the decision allowed benefits effective October 4, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant did not participate in reemployment services and has not established a good cause reason for having failed to participate. Benefits are denied.

Iowa Code section 96.4(3) provides:

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

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

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.

Iowa Admin. Code r. 871-24.6(6) provides:

Reemployment services and eligibility assessment procedure.

(6) A claimant shall 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. 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 or eligibility assessment. The claimant shall contact the agency prior to the scheduled appointment or service to advise the department of the justifiable cause.

a. Justifiable cause for failure to participate is 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.

b. Reserved.

This rule is intended to implement Iowa Code section 96.4(7).

Iowa Admin. Code r. 871-24.2(1)e provides:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

1. Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

e. In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

Iowa Admin. Code r. 871-24.23(11) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

11. Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

Claimant was referred by Iowa Workforce Development to participate in RESEA by watching an online workshop and emailing a summary of the workshop to IWD by September 28, 2020. Claimant received notice of the requirement. Claimant watched the workshop on September 27, 2020. Claimant did not email his summary of the workshop to IWD by September 28, 2020, because he did not read all of the instructions that were provided by IWD. This does not constitute a good cause reason for failing to complete the RESEA assignment. After receiving the September 30, 2020 decision denying benefits, claimant reread the email and submitted his summary of the workshop to IWD on October 6, 2020.

Accordingly, claimant is not able to and available for work from September 27, 2020 until October 3, 2020. Benefits are denied for that week. Claimant is able to and available for work effective October 4, 2020. Benefits are allowed effective October 4, 2020 provided claimant is otherwise eligible.

DECISION:

The September 30, 2020 (reference 02) unemployment insurance decision is affirmed. Claimant failed to participate in reemployment services and, thus, is not able to and available for work from September 27, 2020 until October 3, 2020. Benefits are denied for that period of time.



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December 14, 2020
Decision Dated and Mailed

acw/mh