

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

CHARLENE A MAY
Claimant

APPEAL NO. 07A-UI-10408-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/16/07 R: 03
Claimant: Appellant (2)**

871 IAC 24.6(6) – Participation in Reemployment Services

STATEMENT OF THE CASE:

Charlene May filed a timely appeal from the November 5, 2007, reference 02, decision that denied benefits for the week ending November 3, 2007 based on the claimant's failure to participate in Reemployment Services. After due notice was issued, a hearing was held on November 28, 2007. Ms. May participated. The administrative law judge took official notice of two documents contained in the Agency's administrative file. These were a brief statement from Workforce Advisor Dorothy Wilson and a record indicating that the claimant was scheduled to participate in Reemployment Services on October 31, 2007 and November 7, 2007.

ISSUE:

Whether the claimant had justifiable cause for failing to participate in reemployment services on October 31, 2007.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Charlene May established a claim for benefits that was effective September 16, 2007. Prior to October 31, 2007, Iowa Workforce Development mailed notice to Ms. May that she would need to appear for reemployment services orientation at her local Workforce Development office on October 31, 2007, at 10:00 a.m. At the time the notice was mailed, Ms. May was in between permanent residences and was temporarily staying at a house with two other unrelated individuals. The address for the house is 6042 Underwood Avenue SW, Cedar Rapids, Iowa 52404. Ms. May had made appropriate arrangements to receive her mail at the house. Ms. May alerted her housemates that she would be receiving important correspondence from Iowa Workforce Development. When the notice from Iowa Workforce Development arrived at the home, it arrived concealed inside the PennySaver and became part of home owner's junk mail pile. Ms. May did not become aware of the notice until she received a notice from Iowa Workforce Development telling her that she had failed to appear on October 31, 2007 and that she needed to report for reemployment services orientation on November 7, 2007. At that point, the home owner sorted through his junk mail pile and located the prior notice concealed inside the PennySaver. Ms. May appeared as directed for the November 7, 2007 reemployment services orientation.

REASONING AND CONCLUSIONS OF LAW:

Workforce Development rule 871 IAC 24.6(6) provides as follows:

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.

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.

The evidence in the record indicates that Ms. May did not participate in the October 31 reemployment services orientation because she did not know about it. The evidence indicates that Ms. May's lack of knowledge about the appointment was not attributable to anything Ms. May had done. The evidence indicates that Ms. May had taken appropriate steps to receive correspondence from Iowa Workforce Development. The administrative law judge concludes that Ms. May's failure to participate in the October 31, 2007, reemployment services orientation was for justifiable cause and, accordingly, did not disqualify her for unemployment insurance benefits. Ms. May is eligible for benefits for the week that ended November 3, 2007, provided she is otherwise eligible.

DECISION:

The Agency representative's November 5, 2007, reference 02, decision is reversed. The claimant failed to participate in reemployment services orientation on October 31, 2007 for justifiable cause. The claimant is eligible for benefits for the week ending November 3, 2007, provided she is otherwise eligible.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw