

**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**

**LISA L HAGAN
1807 S 9TH
COUNCIL BLUFFS IA 51501**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-01058-H2
OC: 11-14-04 R: 01
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)

871 IAC 24.6(6) – Re-Employment Services

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 21, 2005, reference 02, decision that denied benefits. After due notice was issued, an in person hearing was held in Council Bluffs, Iowa on March 3, 2005. The claimant did participate.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was notified of her obligation to attend re-employment training on January 5, 2005. The claimant was notified on the morning of January 5, 2005 that Iowa Workforce Development had rescheduled the class due to heavy snow the night before. The claimant was then to attend the class on January 10, 2005. The claimant was unable to attend because her car was buried

by the snowplow and she could not get it dug out. The claimant was rescheduled to attend training on January 12, 2005. She did not attend the class on January 12, 2005 because her van would not start. The claimant was rescheduled to attend the class on January 20, 2005. The claimant arrived five minutes late to the start of the class and was not allowed to join the class once it had begun. The claimant was late for the beginning of the class because she was in the middle of a job interview and did not want to cut the interview short. On February 2, 2005, the claimant attended the re-employment class.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is eligible to receive unemployment insurance benefits.

871 IAC 24.6 provides:

Profiling for reemployment services.

(1) The department of workforce development and the department of economic development will jointly provide a program which consists of profiling claimants and providing reemployment services.

(2) Profiling is a systematic procedure used to identify claimants who, because of certain characteristics, are determined to be permanently separated and most likely to exhaust benefits. Such claimants may be referred to reemployment services.

(3) Reemployment services may include, but are not limited to, the following:

- a. An assessment of the claimant's aptitude, work history and interest.
- b. Employment counseling regarding reemployment approaches and plans.
- c. Job search assistance and job placement services.
- d. Labor market information.
- e. Job search workshops or job clubs and referrals to employers.
- f. Résumé preparation.
- g. Other similar services.

(4) As part of the initial intake procedure, each claimant shall be required to provide the information necessary for profiling and evaluation of the likelihood of needing reemployment assistance.

(5) The referral of a claimant and the provision of reemployment services is subject to the availability of funding and limitations of the size of the classes.

(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.

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.

b. Reserved.

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

The claimant has established justifiable cause for her failure to participate in the re-employment classes scheduled prior to February 2, 2005. It is clear that on one occasion Iowa Workforce Development canceled the class. The claimant was not able to attend on two other occasions because of weather conditions and because her car broke down. The claimant does have reliable transportation. The claimant was late to one scheduled session of the class because she was in the middle of a job interview. Missing the class to attend a job interview is justifiable because seeking employment does not thwart the purpose of the law. The claimant has since attended the re-employment class. Accordingly, benefits are allowed.

DECISION:

The January 21, 2005, reference 02, decision is reversed. The claimant is eligible for unemployment insurance benefits commencing January 16, 2005. Benefits are allowed.

tkh\sc