

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHELLEY L BAUMERT
Claimant

APPEAL NO. 06A-UI-10981-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09-24-06 R: 03
Claimant: Appellant (2)**

871 IAC 24.6(6) – Reemployment Services

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the November 6, 2006, reference 02, decision that found claimant had not established “justifiable cause for failing to participate in reemployment services” between October 29, 2006 and November 4, 2006 and found claimant ineligible for benefits for the week ending November 4, 2006 for failure to report for reemployment services. After due notice was issued, a hearing was held on November 30, 2006. Claimant did participate.

ISSUE:

The issue is whether the claimant had good cause for failing to participate in re-employment services?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant was scheduled to attend reemployment services on November 1, 2006 but did not appear. Claimant did not receive the notice to report for reemployment services.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has established a good cause reason for having failed to report for reemployment services.

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).

Claimant has presented a good cause reason for failing to appear on November 1, 2006 since she did not receive a notice to appear and there is no evidence that IWD ever sent a notice to her. Benefits are allowed for the week ending November 4, 2006.

DECISION:

The November 6, 2006, reference 02, decision is reversed. Benefits are allowed for the week ending November 4, 2006, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw