

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

AMY E KING
#9C
1540 SPYGLASS HILL NE
CEDAR RAPIDS IA 52402

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-11193-AT
OC: 08-29-04 R: 03
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) – Reemployment Services

STATEMENT OF THE CASE:

Amy E. King filed a timely appeal from an unemployment insurance decision dated October 12, 2004, reference 04, which denied benefits for the week ending October 9, 2004 upon a finding that she had not established justifiable cause for failing to participate in reemployment services during the week in question. Due notice was issued for a telephone hearing to be held November 1, 2004. At the time of the hearing, Ms. King elected to rely upon statements contained in three letters which she had provided to the Appeals Section. They have been entered into the record as Exhibits A, B and C.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Iowa Workforce Development mailed a letter to Amy E. King advising her that she was to participate in reemployment services at 10:00 a.m. on October 6, 2004. The letter was delivered to Ms. King on October 7, 2004.

REASONING AND CONCLUSIONS OF LAW:

A provision of the Iowa Administrative Code, 871 IAC 24.6(6), provides that benefits are withheld for failing to participate in reemployment services only if the individual has no justifiable reason for the failure. The evidence in this record establishes that Ms. King did not receive notice of the reemployment services until the day after she was to report. This gives her a justifiable reason for failing to participate.

DECISION:

The unemployment insurance decision dated October 12, 2004, reference 04, is reversed. The claimant is entitled to receive unemployment insurance benefits for the week of October 3 through October 9, 2004.

tjc/tjc