

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

JODY A GORMAN  
730 W 8<sup>TH</sup> ST  
DUBUQUE IA 52001

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-12310-RT  
OC: 10-09-05 R: 04  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 24.6-6 - Profiling for Reemployment Services (Just Cause for Failure to Participate)

STATEMENT OF THE CASE:

The claimant, Jody A. Gorman, filed a timely appeal from an unemployment insurance decision dated December 5, 2005, reference 01, denying unemployment insurance benefits to her for one week from November 27, 2005 through December 3, 2005 because she did not establish justifiable cause for failing to participate in reemployment services. After due notice was issued, a telephone hearing was held on December 22, 2005, with the claimant participating. There was no employer or respondent noticed. The administrative law judge takes official notice of Iowa Workforce Development Department unemployment insurance records for the claimant.

#### FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: The claimant filed for unemployment insurance benefits effective October 9, 2005 and began receiving benefits which continued thereafter. The claimant was sent a notice to report to Iowa Workforce Development on December 1, 2005, for reemployment services. The claimant was not able to attend the reemployment services scheduled at that time. The claimant had good friends tragically killed in a house fire and the funeral was held on December 1, 2005. The claimant was unable to attend the reemployment services as scheduled and further overlooked them because of the turmoil going on as a result of the death of her friends. The claimant received a second notice to attend reemployment services and she did attend such services on December 15, 2005. Because the claimant failed to attend the first reemployment services the claimant was denied benefits in the amount of \$251.00 for benefit week ending December 3, 2005.

#### REASONING AND CONCLUSIONS OF LAW:

The question presented by this appeal is whether the claimant is ineligible to receive unemployment insurance benefits because she failed to participate in reemployment services and did not demonstrate justifiable cause for such failure. The claimant is not ineligible to receive unemployment insurance benefits for this reason.

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 evidence establishes that the claimant failed to report for reemployment services on December 1, 2005 as instructed by Iowa Workforce Development. The claimant credibly testified that she failed to do so because some good friends of hers were killed tragically in a house fire and the funeral was on December 1, 2005 and in the turmoil she simply forgot to inform Iowa Workforce Development. The administrative law judge concludes that the tragic deaths of the claimant's friends and the funeral on December 1, 2005 establish justifiable cause for the claimant's failure to attend the reemployment services on December 1, 2005, even in view of the paramount importance of reemployment for the claimant. Accordingly, the administrative law judge concludes that the claimant established justifiable cause for failing to attend the reemployment services and, as a consequence, she is not ineligible to receive unemployment insurance benefits. Unemployment insurance benefits are allowed to the claimant, in particular for benefit week ending December 3, 2005, providing she is otherwise eligible.

#### DECISION:

The representative's decision of December 5, 2005, reference 01, is reversed. The claimant, Jody A. Gorman, is entitled to receive unemployment insurance benefits, in particular for benefit week ending December 3, 2005, because, although she failed to attend reemployment services, she demonstrated justifiable cause for such failure. Unemployment insurance benefits for benefit week ending December 3, 2005 in the amount of \$251.00 should be paid to the claimant because those benefits have been previously denied to her for a failure to attend or participate in reemployment services on December 1, 2005.

kkf/kjw