

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUAD M FARAG
Claimant

APPEAL NO. 07A-UI-01073-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/10/06 R: 03
Claimant: Appellant (2)**

Section 96.4-7 – Requiring Findings (Reemployment Services)
871 IAC 24.2(1)e – Procedures (Reporting As Directed)

STATEMENT OF THE CASE:

Suad M. Farag (claimant) appealed a representative's January 23, 2007 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits from January 14, 2007 through January 20, 2007 because she had not established justifiable cause for failing to participate in reemployment services during this period of time. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on February 14, 2007. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant fail to participate in reemployment services without justifiable cause?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective December 10, 2006. Prior to January 17, 2007, the Agency sent and the claimant received a notice that she was to report to her local Agency office at 10:00 a.m. that day for a reemployment orientation program. She did not report for the orientation program that day, as she was ill. She went to the local Agency office the next day, January 18, to seek to do the orientation at that time but was informed that the next opportunity to do the orientation was not until January 24. She did attend the orientation on January 24.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant established justifiable cause for failing to participate in reemployment services.

Iowa Code section 96.4-7 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

7. The individual participates in reemployment services as directed by the department pursuant to a profiling system, established by the department, which identifies individuals who are likely to exhaust benefits and be in need of 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).

The claimant did fail participate in reemployment services as scheduled on January 17, but she did subsequently participate as required. Her failure to participate on January 17 was due to a justifiable cause. Accordingly, the claimant is eligible to receive unemployment insurance benefits.

DECISION:

The representative's January 23, 2007 decision (reference 02) is reversed. The claimant did establish justifiable cause for failing to participate in reemployment services. The claimant is qualified to receive unemployment insurance benefits for the week ending January 20, 2007, if she was otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw