

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARTIN L MILES
Claimant

APPEAL 17A-UI-09295-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/09/17
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Available for work
Iowa Code § 96.4(7) – Reemployment services
Iowa Admin. Code r. 871-24.6 – Profiling for reemployment services
Iowa Admin. Code r. 871-24.2(1)e – Reemployment Services
Iowa Admin. Code r. 871-24.23 (11) – Failure to Report
Iowa Admin. Code r. 871-24.11 – Eligibility review program

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the September 1, 2017 (reference 04) unemployment insurance decision that concluded the claimant was ineligible for unemployment benefits because the claimant failed to participate in a reemployment services orientation as directed.

The parties were properly notified of the hearing. A telephone hearing was held on September 27, 2017. The claimant participated personally. Theresa McCabe, Workforce Advisor, participated on behalf of Iowa Workforce Development. The administrative law judge took official notice of the claimant's unemployment insurance benefits records. Department Exhibit D-1 was admitted into evidence. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Is the claimant available for work effective August 27, 2017?
Did the claimant fail to report as directed by a department representative, or offer justifiable cause for failure to do so?
Did the claimant fail to participate in a reemployment services orientation as directed, or offer justifiable cause for failure to do so?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant filed a claim for unemployment insurance benefits with an effective date of July 9, 2017. The claimant was selected to participate in a reemployment services orientation on

August 17, 2017. On August 16, 2017, the claimant requested to reschedule his appointment and his request was granted. The reemployment services orientation was reset to 12:45 p.m. on August 30, 2017 at the Decorah local office. The claimant was provided a copy of the new notice and informed of the new date and time by telephone. The claimant did not report to the August 30, 2017 reemployment services orientation, and did not contact the workforce advisor.

The claimant did not report for the August 30, 2017, reemployment services orientation because he received an unrelated decision which denied him benefits, and determined he did not need to attend the reemployment services orientation since he was disqualified. The claimant did not contact his workforce advisor or Iowa Workforce Development for guidance. To date, the claimant has not completed the reemployment services orientation.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did not provide justifiable cause for his failure to report as directed to participate in a reemployment services orientation.

If the department identifies a claimant who is likely to exhaust benefits, in order to be eligible for weekly benefits a claimant must report as directed to participate in reemployment services. Iowa Code § 96.4(7). Unemployment insurance rules require a claimant to 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. Iowa Admin. Code r. 871-24.6(6). 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. Iowa Admin. Code r. 871-24.6(6).

Justifiable cause for failure to participate is defined as “an important and significant reason which a reasonable person would consider adequate justification in view of the paramount importance of reemployment to the claimant.” Iowa Admin. Code r. 871-24.6(6). Failure to report or have justifiable cause for failing to report means the claimant has failed to meet the availability requirements of the law. Iowa Admin. Code r. 871-24.2(1)e and 871-24.23(11).

Based on the evidence presented, the administrative law judge concludes the claimant has failed to establish justifiable cause for missing his reemployment services orientation on August 30, 2017. The claimant did not attend the orientation based upon the erroneous belief that the reemployment services orientation was not necessary since he was disqualified from benefits on an unrelated matter. The claimant’s failure to report was not due to Agency error, miscommunication or misinformation. Because the claimant did not attend the reemployment services orientation and has not provided justifiable cause, he is ineligible for benefits.

DECISION:

The September 1, 2017, (reference 04) unemployment insurance decision is affirmed. The claimant has not provided justifiable cause for having failed to report for a reemployment services orientation as directed. Benefits are denied effective August 27, 2017.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn