

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROD E HAMMERAND
Claimant

APPEAL NO. 07A-UI-02699-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/07/07 R: 04
Claimant: Appellant (1)**

871 IAC 24.6(6) – Participation in Employment Services

STATEMENT OF THE CASE:

The claimant appealed a representative's decision dated March 8, 2007, reference 03, that held the claimant was not eligible to receive unemployment insurance benefits from February 25, 2007 through March 3, 2007, on the claimant's failure to participate in re-employment services. A telephone conference hearing was scheduled for held on April 2, 2007 and was consolidated with docket number 07A-UI-02700-NT. The claimant participated and testified in his own behalf.

ISSUE:

The issue in this matter is whether the claimant has justified cause not to participate in re-employment services.

FINDINGS OF FACT:

The administrative law judge having considered all of the evidence in the record finds: Mr. Hammerand opened a claim for unemployment insurance benefits on January 7, 2007, and received the customary information from the Agency explaining the unemployment compensation system and its requirements. The claimant was held not eligible to receive unemployment insurance benefits from February 25, 2007 through March 3, 2007 as he had not participated in re-employment services after being directed by letter to do so. Mr. Hammerand received the letter instructing him to report, but failed to do so because he "forgot." Subsequently the claimant contacted the Agency to reschedule and participated in re-employment services.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge concludes based upon the evidence in the record that the claimant failed to participate in re-employment services and did not establish justifiable cause for failing to participate. The evidence establishes that Mr. Hammerand received notice to report , but did not do so due to reasons that were within his control.

DECISION:

The representative's decision dated March 8, 2007, reference 03, is affirmed. The claimant is not eligible to receive unemployment insurance benefits from February 25, 2007 through

March 3, 2007. The evidence failed to establish justifiable cause for failing to participate in re-employment services during this period of time.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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