

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEPHANIE L MCCAULEY
Claimant

APPEAL NO. 07A-UI-01896-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

Stephanie McCauley (claimant) appealed a representative's February 15, 2007 decision (reference 04) that concluded she did not participate in reemployment services as required. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was scheduled to be held on March 6, 2007. The claimant did participate.

ISSUE:

The issue is whether the claimant did not participated in reemployment services for good cause.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed a claim for unemployment insurance benefits with an effective date of December 10, 2006. The claimant did not participate in reemployment services on February 14, 2007, because she was incarcerated. She did not receive notice until after she was released.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant did not participate in reemployment services for good cause.

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.

The claimant has failed to participate in reemployment services as required because she was incarcerated and did not receive notice of the appointment until after her release. She is eligible to receive unemployment insurance benefits.

The matter of the claimant's availability is remanded for determination. The matter of rescheduling the reemployment services is remanded.

DECISION:

The representative's February 15, 2007 decision (reference 04) is reversed. The claimant is eligible to receive unemployment insurance benefits. The matter of the claimant's availability is remanded for determination. The matter of rescheduling the reemployment services is remanded.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css