

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

ELMER B GRIFFITH
PO BOX 392
400 VANDERBILT ST #4
FAIRFAX IA 52228-0392

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-06616-AT
OC: 04-25-04 R: 03
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.6(6) – Reemployment Services

STATEMENT OF THE CASE:

Elmer B. Griffith filed a timely appeal from an unemployment insurance decision dated June 10, 2004, reference 04, which denied benefits for the week ending June 5, 2004 upon a finding that he had not established justifiable cause for failing to participate in reemployment services during that week. Due notice was issued for a telephone hearing to be held July 6, 2004. Prior to the date of the hearing, the Agency issued a second decision granting the relief that Mr. Griffith requested. Under these circumstances, the administrative law judge concludes that a hearing is not necessary.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Elmer B. Griffith has established justifiable cause for failing to participate in reemployment services during the week beginning May 29, 2004.

REASONING AND CONCLUSIONS OF LAW:

The question is whether benefits should be withheld because Mr. Griffith failed to participate in reemployment services during the week in question. According to 871 IAC 24.6(6), benefits are withheld for failing to participate in reemployment services if, and only if, the claimant fails to establish a justifiable reason for his failure. The evidence here establishes that Mr. Griffith has established a justifiable reason. Therefore, benefits should be allowed.

DECISION:

The unemployment insurance decision dated June 10, 2004, reference 04, is reversed. The claimant is entitled to receive unemployment insurance benefits for the week ending June 5, 2004.

tjc/tjc