

**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**

**LUIS A MURALLES
APT 127
20 S 41ST ST
COUNCIL BLUFFS IA 51501-3370**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-03500-DT
OC: 01/15/06 R: 01
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)

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

STATEMENT OF THE CASE:

Luis A. Muralles (claimant) appealed a representative's March 27, 2006 decision (reference 05) that concluded he was not qualified to receive unemployment insurance benefits beginning March 12, 2006 because he failed 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 April 18, 2006. 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.

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective January 15, 2006. In early March 2006, he received a letter regarding a reemployment services class scheduled for the week of March 12, 2006. He skimmed through the letter and determined it was in reference to work search activities he was already pursuing. He did not catch the reference to the class being mandatory, and since he was already involved in work search activities, he did not believe he needed to attend. When he received the representative's decision dated March 17, 2006, he spoke to a local Agency representative who explained that the class was mandatory, and that the next class was not until March 28, 2006. The claimant did attend the class on March 28, 2006.

REASONING AND CONCLUSIONS OF LAW:

The first issue in this case 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 24.2(1)e provides:

- e. In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

The method of reporting and the payment of benefits, provided the individual is otherwise eligible, shall be on a biweekly basis by mail if the claimant files a Form 60-0151.

The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's financial institution's account or be paid by the mailing of a warrant on a biweekly basis.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

The department retains the ultimate authority to choose the method of reporting and payment.

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 participate in reemployment services and did report as directed by the Agency, albeit belatedly. Accordingly, the claimant is eligible to receive unemployment insurance benefits beginning March 12, 2006.

DECISION:

The representative's March 27, 2006 decision (reference 05) is reversed. The claimant did establish justifiable cause for initially failing to participate in reemployment services but then completing the training at the next opportunity. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

ld/tjc