

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

DEIDRE M SCHLACHTER
LOT 65
1220 E SECOND ST
WEBSTER CITY IA 50595

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-11217-DWT
OC: 09/11/05 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)

871 IAC 24.6(6) – Failure to Participate in Re-employment Services

STATEMENT OF THE CASE:

Deidre M. Schlachter (claimant) appealed a representative's October 28, 2005 decision (reference 03) that concluded she was not eligible to receive benefits for the week ending October 29, 2005 because she failed to participate in a re-employment services class during that week. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on November 4, 2005. 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.

ISSUE:

Did the claimant have a justifiable reason for not attending a re-employment services class the week of October 23, 2005?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of September 11, 2005. On Saturday, October 29, 2005, the claimant received in the mail a notice that she had been scheduled for an orientation or re-employment services on October 26, 2005. Prior to receiving the October 29 notice, the claimant had no idea she had an appointment at her local Workforce office any time that week. The claimant contacted her local Workforce office on Monday, October 31.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code §96.4-3. A claimant shall participate in re-employment services when referred by the Department unless the claimant establishes justifiable cause for failure to participate. Justifiable cause is defined as an important and significant reason that a reasonable person would consider adequate justification. 871 IAC 24.6(6). When a claimant does not receive notice about a scheduled re-employment services until after the scheduled appointment, the claimant has justifiable cause for failing to participate. The claimant is eligible to receive benefits for the week ending October 29, 2005.

DECISION:

The representative's October 28, 2005 decision (reference 03) is reversed. The claimant established justifiable cause for failing to participate in a scheduled October 26, 2005 re-employment services and is eligible to receive benefits for the week ending October 29, 2005.

dlw/tjc