

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEANNA R GRAHAM
Claimant

APPEAL 19A-UI-03415-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/17/19
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Available for work
Iowa Code § 96.4(7) – Reemployment services
Iowa Admin. Code r. 871-24.6 – Profiling for reemployment services
Iowa Admin. Code r. 871-24.2(1)e – Procedures for workers desiring to file a claim for benefits
Iowa Admin. Code r. 871-24.23 (11) – Failure to Report

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the April 23, 2019 (reference 04) unemployment insurance decision that found claimant was not eligible for unemployment benefits because claimant failed to report for a reemployment services appointment. The parties were properly notified of the hearing. A telephone hearing was held on May 20, 2019. The claimant participated personally. Christopher Cataldo, workforce advisor, participated on behalf of Iowa Workforce Development (“IWD”). IWD Exhibits 1-4 were admitted. Claimant Exhibit A was admitted also. The administrative law judge took official notice of the claimant’s unemployment insurance benefits records.

ISSUES:

Is the claimant available for work effective April 14, 2019?
Did the claimant fail to report as directed by a department representative to participate in a reemployment services appointment or offer justifiable cause for their failure to do so?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of February 17, 2019. Claimant was selected to participate in a reemployment services and on March 8, 2019, was mailed a notice to report for a reemployment service appointment for March 29, 2019 (Department Exhibit 2). Claimant had not previously participated in this appointment during this claim year. At the appointment, Claimant met with Workforce Advisor, Kristina Hughes and signed a RESEA agreement (Department Exhibit 3). The agreement stated Claimant must attend two scheduled workshops on April 19, 2019 and failure to do so would result in a denial of unemployment benefits (Department Exhibit 3). Claimant entered the workshops appointments into her phone for April 26, 2019 instead of April 19, 2019 and missed the appointments (Claimant Exhibit A). Because she did not realize she had not correctly

entered the workshop into her phone calendar, she did not notify IWD before the workshop that she was unable to attend.

Claimant has been able to and available for work since April 14, 2019. Claimant has made appropriate employer contacts each week in which claimant has filed weekly-continued claims for benefits. Claimant has not refused any offers of work. Claimant has properly reported all wages, vacation pay, holiday pay, and pension pay earned for each weekly continued claim for benefits that has been filed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did not provide justifiable cause for the failure to report as directed to participate in a reemployment services appointment.

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. Iowa Admin. Code r. 871-24.23(11).

If the department identifies a claimant who is likely to exhaust benefits, in order to be eligible for weekly benefits a claimant must report as directed to participate in reemployment services. Iowa Code § 96.4(7). Unemployment insurance rules require a claimant to 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. Iowa Admin. Code r. 871-24.6(6). 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. *Id.* Justifiable cause for failure to participate includes an important and significant reason which a reasonable person would consider adequate justification in view of the paramount importance of reemployment to the claimant. Justifiable cause includes when the claimant is scheduled for an employment interview, is verified return to work, or both prior to the scheduled appointment or service. *Id.* The claimant shall contact the agency prior to the scheduled appointment or service to advise the department of the justifiable cause. *Id.* Failure to report for the appointment, failure to contact the agency prior to the scheduled appointment or service to advise the department of the justifiable cause for missing the appointment, or failure to have justifiable cause for failing to report for the appointment means the claimant has failed to meet the availability requirements of the law. *Id.*

In this case, Claimant received the notice and failed to report as directed. The claimant did not notify IWD of the reason claimant failed to report as directed. The administrative law judge is sympathetic to Claimant but Claimant failed to present justifiable cause for her failure to report as directed for a reemployment services appointment. Accordingly, benefits are denied for the period of April 14-20, 2019.

DECISION:

The April 23, 2019 (reference 04) unemployment insurance decision is affirmed. The claimant has not provided justifiable cause for having failed to report for a reemployment services appointment. Benefits are denied April 14-20, 2019, and continuing until the claimant reports for the reemployment services appointment.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn