

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSEPH H HEITMAN
Claimant

APPEAL NO. 06A-UI-10077-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/16/06 R: 04
Claimant: Appellant (2)**

871 IAC 24.6(6) – Reemployment Services

STATEMENT OF THE CASE:

The claimant, Joseph Heitman, filed an appeal from a decision dated October 9, 2006, reference 02. The decision found him ineligible for unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on October 31, 2006. The claimant participated on his own behalf.

ISSUE:

The issue is whether the claimant failed to participate in reemployment services.

FINDINGS OF FACT:

Joseph Heitman filed a claim for unemployment benefits with an effective date of July 16, 2006. On September 29, 2006, he received notice to report for reemployment services in Dubuque, Iowa, on October 5, 2006. On October 3, 2006, he contacted the Workforce Center in Dubuque, Iowa, and asked to reschedule his class as he had a job interview at the same time as the class. He was rescheduled for October 19, 2006, and participated in that class.

REASONING AND CONCLUSIONS OF LAW:

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 not fail to report for reemployment services on October 5, 2006, but rescheduled with the authorization of a Workforce representative. No penalty should be imposed.

DECISION:

The representative's decision of October 9, 2006, reference 02, is reversed. Joseph Heitman did not fail to report for reemployment services as directed and is therefore eligible for benefits for the week ending October 7, 2006.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/cs