

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

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IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-03462-LT
OC: 01-30-05 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)

Iowa Code § 96.4(3) - Able and Available
871 IAC 24.6(6) – Reemployment Services

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the March 24, 2005, reference 03, decision that found claimant had not established “justifiable cause for failing to participate in reemployment services” beginning March 20, 2005 and found claimant ineligible for benefits indefinitely. After due notice was issued, a hearing was scheduled to be held on April 21, 2005. Claimant did respond to the hearing notice but no hearing was held as the administrative law judge determined a decision could be made based upon the face of the appeal letter and the contents of the administrative record.

FINDINGS OF FACT:

Having examined the appeal letter and the evidence in the record, the administrative law judge finds: The claimant was purportedly scheduled to attend reemployment services on or after March 20, 2005 but no notice to appear was received (claimant does have problems with her mail delivery upon occasion) and there is no evidence in the administrative file that any notice was ever sent to claimant.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has established a good cause reason for having failed to report for reemployment services.

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).

Claimant has presented a good cause reason for failing to appear on or after March 20, 2005 since she did not receive a notice to appear and there is no evidence that IWD ever sent a notice. Benefits are allowed for the week beginning March 20, 2005 and thereafter regarding this issue.

DECISION:

The March 24, 2005, reference 03, decision is reversed. Benefits are allowed effective March 20, 2005, provided the claimant is otherwise eligible.

dml/sc