

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSICA M KLINE
Claimant

APPEAL NO. 08A-UI-05439-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/16/08 R: 02
Claimant: Appellant (2)**

871 IAC 24.6(6) – Re-employment Services

STATEMENT OF THE CASE:

Jessica Kline filed a timely appeal from the June 6, 2008, reference 04, decision that denied benefits effective June 1, 2008 and that concluded she had failed to participate in re-employment services without justifiable cause. After due notice was issued, a hearing was held on June 25, 2008. Ms. Kline participated. The administrative law judge took official notice of the Agency's administrative file.

ISSUE:

Whether the claimant failed to participate in re-employment services on June 5, 2008, without justifiable cause.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Jessica Kline established a claim for unemployment insurance benefits that was effective March 16, 2008. At the time Ms. Kline established her claim for benefits, she was residing at 2300 East 34th Street in Des Moines and had provided this address to Workforce Development as her address of record. At the end of April, Ms. Kline moved out of the 34th Street address and moved in with another friend. Ms. Kline promptly submitted a change of address request to the post office so that her mail would be delivered at the new address.

On May 1, Workforce Development mailed a Notice to Report document to Ms. Kline at the 34th Street address. The Notice directed Ms. Kline to report at the Des Moines Workforce Development Center on May 8, 2008 at 10:00 a.m. Ms. Kline did not receive the Notice to Report and, consequently, did not report on May 8.

On May 3, Ms. Kline moved to her current residence at 3112 Mahaska Avenue in Des Moines. Ms. Kline promptly submitted a change of address request to the post office so that her mail would be delivered at the new address. During her first week at the new address, Ms. Kline contacted her Workforce Development Center for the purpose of updating her address of record. A Workforce Development representative told Ms. Kline that he would update her address in the Agency's computer system.

On May 29, Workforce Development mailed a second Notice to Report document to Ms. Kline. This second Notice was directed to the 34th Street address. The Notice directed Ms. Kline to report at the Des Moines Workforce Development Center on June 5, 2008 at 10:00 a.m. Ms. Kline did not receive the Notice until 2:00 p.m. on June 5. Ms. Kline promptly went to the Workforce Development Center and completed the paperwork the Agency had wanted her to complete as part of re-employment services.

REASONING AND CONCLUSIONS OF LAW:

Workforce Development rule 871 IAC 24.6(6) provides as follows:

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.

The evidence in the record indicates that the claimant did not report for re-employment services at 10:00 a.m. on June 5, 2008 because she had not received the Notice to Report. The evidence indicates that the claimant had taken appropriate steps to have her mail forwarded and had previously contacted Workforce Development to update her address of record.

DECISION:

The Agency representative's June 6, 2008, reference 04, decision is reversed. The claimant had justifiable cause for failing to report for re-employment services on June 5, 2008. The claimant is eligible for benefits effective June 1, 2008, provided she is otherwise eligible.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw