

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MELONY R RENZE**  
Claimant

**APPEAL 17A-UI-12188-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 09/24/17  
Claimant: Appellant (1R)**

Iowa Code § 96.4(3) – Able to and 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 November 20, 2017 (reference 02) unemployment insurance decision that found claimant was not eligible for unemployment benefits because claimant failed to participate in a reemployment services orientation. The parties were properly notified of the hearing. A telephone hearing was held on December 19, 2017. The claimant, Melony R. Renze, participated personally. Ann Conner participated on behalf of Iowa Workforce Development (“IWD”). IWD Exhibits 1 – 3 were admitted. The administrative law judge took official notice of the claimant’s unemployment insurance benefits records.

**ISSUES:**

Is the claimant able to and available for work?  
Did the claimant fail to report as directed by a department representative or offer justifiable cause for their failure to do so?  
Did the claimant fail to participate in a reemployment and eligibility assessment appointment as directed 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 September 24, 2017. Claimant was selected to participate in a reemployment services orientation on November 15, 2017. A notice was mailed to the claimant and the claimant did receive the notice. Claimant did not report for the appointment because she wrote the date down wrong in her calendar/planner. Claimant was also ill for approximately three weeks and unable to work. Claimant had a doctor appointment on November 8, 2017 and had been ill for approximately one and a half weeks prior to her doctor appointment as well as ill for one and a

half weeks following her doctor's appointment. Claimant was ill and unable to work from at least October 29, 2017 through November 18, 2017.

There has been no initial investigation and determination regarding whether claimant has been overpaid benefits from October 29, 2017 through November 11, 2017 due to her not being able to and available for work. The question of whether the claimant is overpaid benefits due to her not being able to and available for work due to illness from October 29, 2017 through November 11, 2017 will be remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant did not provide justifiable cause for her failure to report as directed to participate in a reemployment services orientation. Further, claimant was unable to work due to illness from October 29, 2017 through November 18, 2017.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Code § 96.4(7) provides:

Required findings.

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

(7) The individual participates in reemployment services as directed by the department pursuant to a profiling system, established by the department, which identifies individuals who are likely to exhaust benefits and be in need of reemployment services.

Iowa Admin. Code r. 871-24.6 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.

This rule is intended to implement Iowa code section 96.4(7).

Iowa Admin. Code r. 871-24.2(1)e provides:

Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

(e) In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly in the individual's account at a financial institution or on a selected debit card.

(2) In order for an individual to receive payment by direct deposit, the individual must provide the financial institution selected by the department with the appropriate bank routing code number and a checking or savings account number.

(3) The department retains the ultimate authority to choose the method of reporting and payment.

Iowa Admin. Code r. 871-24.23(11) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(11) Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

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. Iowa Admin. Code r. 871-24.6(6). Justifiable cause for failure to participate is defined as “an important and significant reason which a reasonable person would consider adequate justification in view of the paramount importance of reemployment to the claimant.” Iowa Admin. Code r. 871-24.6(6). Failure to report or have justifiable cause for failing to report means the claimant has failed to meet the availability requirements of the law. Iowa Admin. Code r. 871-24.2(1)e and 871-24.23(11). Claimant provided no justifiable cause for her failure to report as directed. Benefits are denied effective November 12, 2017 and continuing until claimant reported for the orientation.

Further, claimant was ill and unavailable to work for the two-week period from October 29, 2017 through November 11, 2017. As such, benefits are denied from October 29, 2017 through November 11, 2017 due to claimant being ill and unavailable for work.

Iowa Admin. Code r. 871-24.23(1) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(1) An individual who is ill and presently not able to perform work due to illness.

There has been no initial investigation and determination regarding whether claimant has been overpaid benefits from October 29, 2017 through November 11, 2017 due to her not being able to and available for work. The question of whether the claimant is overpaid benefits due to her not being able to and available for work due to illness from October 29, 2017 through November 11, 2017 will be remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

**DECISION:**

The November 20, 2017 (reference 02) unemployment insurance decision is affirmed. The claimant has not provided justifiable cause for having failed to report for a reemployment services orientation. Benefits are denied effective November 12, 2017 for her failure to report and continuing until she reports for this orientation. Benefits are denied from October 29, 2017 through November 11, 2017 due to claimant being ill and unavailable to work.

**REMAND:**

The question of whether the claimant is overpaid benefits due to her not being able to and available for work due to illness from October 29, 2017 through November 11, 2017 will be remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/rvs