

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

BRETT T JONES
502 – 2ND AVE SE
SPENCER IA 51301

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-01901-AT
OC: 12-18-05 R: 01
Claimant: Appellant (5)

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)

Section 96.4-3 – Eligibility for Benefits
871 IAC 24.6 (6) – Reemployment Services

STATEMENT OF THE CASE:

Brett T. Jones filed a timely appeal from an unemployment insurance decision dated February 6, 2006, reference 01, which denied benefits for the week ending February 4, 2006, upon a finding that he did not establish justifiable cause for failing to participate in reemployment services during that week. After reviewing all matters of record, the administrative law judge concludes that a hearing is not necessary.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Brett T. Jones did not request unemployment insurance benefits for the week ending February 4, 2006, because he was working a full-time temporary job. Also as a result of this, he was unable to participate in reemployment services.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant is eligible for unemployment insurance benefits for the week ending February 4, 2006. He is not.

In order to receive unemployment insurance benefits for a given week, an individual must first establish that he or she is unemployed. Mr. Jones acknowledged that he was employed during the week in question. Agency records establish that he did not request unemployment insurance benefits for that week.

That being said, the evidence also establishes that Mr. Jones had a justifiable reason for failing to participate in reemployment services during the week in question: He was working. The reason for the denial of benefits should be changed.

DECISION:

The unemployment insurance decision dated February 6, 2006, reference 01, is modified. The claimant is ineligible for unemployment insurance benefits for the week ending February 4, 2006, because he was fully employed. Denial of benefits for failing to establish justifiable cause for failure to participate in reemployment services is removed from the claimant's record.

kkf/kjw