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

Appeal Number: 06A-UI-00863-MT
OC: 10/09/05   R: 01
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.

MICHAEL D LANE
9611 GRAND AVE
OMAHA NE 68134-2620

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.

IOWA WORKFORCE
   DEVELOPMENT DEPARTMENT

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)

871 IAC 24.2(1)e – Failure to Report
871 IAC 24.6(6) – Reemployment Services

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a decision dated January 20, 2006, reference 03, that denied benefits effective January 1, 2006, for failure to report for reemployment services. After due notice was issued, a hearing was held by telephone conference call before an Administrative Law Judge on February 8, 2006. Claimant did participate.

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: Claimant was scheduled to attend reemployment services on January 2, 2006. Claimant moved over the holidays from Carter Lake, Iowa to Omaha, Nebraska. Claimant did

not receive the notice to attend reemployment services. Claimant found out about the notice a few days after the appointment was over. Claimant immediately reported to the local workforce development office and made the next class.

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. Claimant did not receive notice due to a change of address. Benefits allowed effective January 1, 2006.

871 IAC 24.2(1)e provides:

> 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.
>
> The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's financial institution's account or be paid by the mailing of a warrant on a biweekly basis.
>
> In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.
>
> The department retains the ultimate authority to choose the method of reporting and payment.

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).

DECISION:

The decision of the representative dated January 20, 2006, reference 03, is reversed. Benefits shall be allowed effective January 1, 2006.

mdm/pjs