

**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**

**CHAD P VELAZQUEZ
127 VIRDEN STREET
WATERLOO IA 50702**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UCX-00012-AT
OC: 06/13/04 R: 03
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Chad P. Mr. Velazquez filed a timely appeal from an unemployment insurance decision dated August 26, 2004, reference 03, which allowed benefits to him effective August 22, 2004. His appeal requested that allowance of benefits be backdated to August 1, 2004. Due notice was issued for a telephone hearing to be held on October 6, 2004. Mr. Velazquez did not respond to the hearing notice by providing a telephone number at which he could be contacted.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: In a decision dated August 9, 2004, Iowa Workforce Development ruled that Chad P. Velazquez was ineligible for unemployment insurance benefits effective August 1, 2004 until he reported to his Workforce

Development Center to participate in reemployment services as required. He did so on August 25, 2004.

REASONING AND CONCLUSIONS OF LAW:

The question is whether benefits should be allowed for the three weeks ending August 21, 2004. They should not.

Individuals who are selected for reemployment services are required to participate in those services. If an individual fails to participate and does not establish a justifiable cause for failing to do so, the individual is considered to be unavailable for work and, thus, ineligible for unemployment insurance benefits. See 871 IAC 24.6(6) and Iowa Code Section 96.4-3.

The evidence before the administrative law judge establishes only that Mr. Velazquez reported to the Agency on August 25, 2004. There is no information establishing a justifiable cause for the delay. Under these circumstances, benefits for the three weeks ending August 21, 2004 must be withheld.

DECISION:

The unemployment insurance decision dated August 26, 2004, reference 03, is affirmed. The claimant is ineligible for unemployment insurance benefits for the three weeks ending August 21, 2004.

shar/b