

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PHILLIP J GOODWIN
Claimant

APPEAL 17A-UI-09238-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/09/17
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – 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
Iowa Admin. Code r. 871-24.11 – Eligibility review program

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the September 5, 2017 (reference 04) unemployment insurance decision that concluded the claimant was ineligible for unemployment benefits because the claimant failed to participate in a reemployment and eligibility assessment.

The parties were properly notified of the hearing. A telephone hearing was held on September 27, 2017. The claimant participated personally. Kristina Hughes, Workforce Advisor, participated on behalf of Iowa Workforce Development. The administrative law judge took official notice of the claimant's unemployment insurance benefits records. Department Exhibit D-1 was admitted into evidence. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Is the claimant available for work effective August 27, 2017?
Did the claimant fail to report as directed by a department representative, or offer justifiable cause for failure to do so?
Did the claimant fail to participate in a reemployment and eligibility assessment appointment as directed, or offer justifiable cause for 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 July 9, 2017. The claimant was selected to participate in a reemployment and eligibility assessment on September 1, 2017. A notice was mailed to the claimant. The claimant did not receive the

notice. The claimant lives in an apartment complex and routinely has issues with delivery of his mail. It is not uncommon for the claimant's neighbors to leave mail at the claimant's doorstep that has been delivered to them in error. The claimant has notified his local postal office of the delivery issues, most recently in August. Accordingly, the claimant did not report because he was unaware of the scheduled assessment.

The claimant has accepted and will begin new employment with Marsh/Mercer effective October 9, 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did provide justifiable cause for his failure to report as directed to participate in a reemployment and eligibility assessment appointment.

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).

In this case, the claimant was mailed, but did not receive a notice to report in a reemployment and eligibility assessment on September 1, 2017. Non-receipt of the notice is justifiable cause for failure to report as directed. The claimant is eligible to receive unemployment insurance benefits effective August 27, 2017, because he did have justifiable cause for failing to participate in a reemployment and eligibility assessment. Benefits are allowed.

DECISION:

The September 5, 2017, (reference 04) unemployment insurance decision is reversed. The claimant has provided justifiable cause for having failed to report for a reemployment and eligibility assessment appointment as directed. Benefits are allowed effective August 27, 2017, so long as claimant is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn