**Section 2865.145 Ineligibility To Receive Benefits For Failure To Participate In Reemployment Services**

a) Unless no longer obligated to participate pursuant to Section 2865.150(e), an individual who is referred by the Department pursuant to Section 2865.150 to reemployment services and is determined by the claims adjudicator to have failed without justifiable cause, as defined in subsection (c), to participate in such services shall be ineligible for benefits for the week in which he fails to participate in the scheduled services.

Example: In the fourth week of his benefit year, an individual is issued his first payment of regular benefits. Notice of referral to reemployment services is sent to him during the fifth week of the benefit year, indicating he is scheduled for an orientation meeting to take place in the sixth week of the benefit year. He fails, without justifiable cause, to report to the orientation meeting. The individual will be ineligible for benefits for the sixth week of his benefit year.

b) Subsection (a) shall not apply if the individual has completed substantially similar reemployment services or he is participating in substantially similar services.

c) There is justifiable cause for an individual's failure to participate in reemployment services if the individual is acting as a reasonable person would act under the circumstances, taking into account the fact that the individual has been identified as likely to exhaust regular benefits and need job search assistance.

1) Example: An individual who has been referred to reemployment services pursuant to Section 2865.150 fails to report for his scheduled orientation meeting with the reemployment service provider because the individual has a job interview scheduled for the same time. The individual has justifiable cause for failing to report for the meeting. A reasonable person in this situation could be expected to prefer the immediate job opportunity over reemployment services.

2) Example: An individual who has been referred to reemployment services pursuant to Section 2865.150 fails to report for his scheduled reemployment service orientation meeting because he forgot about the meeting. When he becomes aware he has forgotten the meeting, he requests that the meeting be rescheduled. He fails to report for the rescheduled meeting because he again forgot about the meeting. The repeated failure to include the meeting in his schedule does not reflect the behavior of a reasonable person under the circumstances. On the basis of these facts alone, there would not be justifiable cause for the individual's failure to participate in the rescheduled meeting.

3) Example: An individual who has been referred to reemployment services pursuant to Section 2865.150 fails to report for his scheduled reemployment service orientation meeting. During the week for which the meeting was scheduled, however, the individual is enrolled in and in regular attendance at a training course approved for him by the Director under Section 500C of the Act. A reasonable person in this situation could be expected to prefer the training program over reemployment services.

4) Example: An individual who has been referred to reemployment services pursuant to Section 2865.150 fails to report to his scheduled reemployment service orientation meeting because he is attending GED classes at the same time. The individual has justifiable cause for failing to report for the meeting. A reasonable person in this situation could be expected to attend the GED classes.

d) The individual's obligation to participate in reemployment services to which he is referred pursuant to Section 2865.150 is in addition to the individual's other obligations under the Act.

e) Issues arising under this Section concerning an individual's eligibility for regular benefits shall be adjudicated and notice of such issues provided in the same manner and subject to the same procedures as all the other issues concerning eligibility for regular benefits, except issues arising under Section 604 of the Act.

(Source: Added at 19 Ill. Reg. 6555, effective April 28, 1995)