

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
Division of Administrative Hearings  
Wallace State Office Building  
Des Moines, Iowa 50319

**Appeal Number: 16IWDUI228**  
**OC: 05/22/16**  
**Claimant: Appellant (1)**

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**LYNDSIE L. O'DONNELL**  
**1829 DOWNING AVENUE**  
**WATERLOO, IA 50701**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMPLOYMENT SERVS. COORDINATOR**  
**RONEE SLAGLE & DENNIS MCNAMARA**

Joni Benson, IWD

**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 Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>TH</sup> 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 the department. 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.

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(Administrative Law Judge)

August 30, 2016

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(Decision Dated & Mailed)

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### STATEMENT OF THE CASE

Claimant/Appellant Lyndsie O'Donnell appealed a decision issued by Iowa Workforce Development ("IWD"), dated 7/22/16 finding O'Donnell was mailed a notice to report for a reemployment and eligibility assessment on 7/18/16 and because she did not report, benefits were denied as of 7/17/16.

On 8/03/16, IWD transmitted the administrative file to the Department of Inspections and Appeals to schedule a contested case hearing. When IWD transmitted the file, it also mailed a copy to O'Donnell. On 8/09/16, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested case hearing for 8/26/16.

On 8/26/16, a contested case hearing was held before Administrative Law Judge Emily Kimes-Schwiesow. O'Donnell appeared and provided testimony. Dennis McNamara

appeared on behalf of IWD. IWD's documents were marked 1 – 9 and admitted into evidence.

### **ISSUE**

Whether the Department correctly determined the claimant is ineligible to receive unemployment insurance benefits.

Whether the Department correctly determined that the claimant did not establish justifiable cause for failing to participate in reemployment services.

### **FINDINGS OF FACT**

ODonnell submitted a claim to IWD for unemployment insurance benefits on 5/22/16. IWD scheduled ODonnell to attend a reemployment and eligibility assessment on 6/28/16. ODonnell attended the assessment. On 6/28/16, ODonnell was provided with additional appointment notices for 7/8/16 and 7/18/16. The documentation advised that if there were circumstances that prevented the participant from attending, to contact IWD at a phone number provided. ODonnell did not attend the appointments on 7/8/16 or 7/18/16, and did not call IWD before or after the appointments to reschedule. IWD issued a decision on 7/22/16 denying benefits as of 7/17/16. ODonnell appealed.

ODonnell testified that she did not attend the appointments because she was at work at a new job. She did not call IWD about the appointments.

### **REASONING AND CONCLUSIONS OF LAW**

IWD and the Department of Economic Development jointly provide a reemployment services program.<sup>1</sup> Reemployment services may include: (1) an assessment of the claimant's aptitude, work history, and interest; (2) employment counseling; (3) job search and placement assistance; (4) labor market information; (5) job search workshops or job clubs and referrals to employers; (6) resume preparation; and (7) other similar services.<sup>2</sup>

A claimant is required to participate in reemployment services when referred by IWD, unless the claimant establishes justifiable cause for failure to participate or the claimant has previously completed the training or services.<sup>3</sup> Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in reemployment services.<sup>4</sup> "Justifiable cause for failure to participate is an important and significant reason which a reasonable person would

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<sup>1</sup> 871 IAC 24.6(1).

<sup>2</sup> *Id.* 24.6(3).

<sup>3</sup> *Id.* 24.6(6).

<sup>4</sup> *Id.*

consider adequate justification in view of the paramount importance of reemployment to the claimant.”<sup>5</sup>

O'Donnell did not attend a required reemployment and eligibility appointments on 7/08/16 or 7/18/16. She did not attempt to call IWD to let them know that she would not be able to attend. IWD's decision should be affirmed.

### **DECISION**

IWD correctly determined O'Donnell was ineligible to receive unemployment insurance benefits due to the failure to report and O'Donnell did not establish justifiable cause for failing to participate in reemployment services. The Department's decision dated 07/22/16 is AFFIRMED.

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<sup>5</sup> *Id.* 24.6(6)a.