

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

SHAWNA HOFMAN
3180 9TH STREET
MARION, IA 52302

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & JIM O'HARE

TERESA HILLIARY, IWD
JONI BENSON, IWD

Appeal Number: 13IWDUI366

OC: 11/25/12

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 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 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.

(Administrative Law Judge)

September 30, 2013

(Decision Dated & Mailed)

871 IAC chapter 24 – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Shawna Hoffman appealed a decision issued by Iowa Workforce Development (“IWD”), dated July 11, 2013, reference 03, finding she was ineligible to receive unemployment insurance benefits as of July 7, 2013 because she was mailed a notice to report to attend a reemployment and eligibility assessment on July 9, 2013, and she failed to report.

On August 1, 2013, IWD transmitted the administrative file to the Department of Inspections and Appeals to schedule a contested case hearing. When IWD transmitted the file, it mailed a copy of the administrative file to Hoffman. On August 14, 2013, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested case hearing for September 3, 2013.

On August 27, 2013, IWD submitted additional exhibits to Hoffman and to the Department of Inspections and Appeals. Jim O'Hare had submitted the documents to IWD's Appeal Section on August 19, 2013. At the time of the hearing Hoffman did not appear. Because of a question of service and the late-filed exhibits, the hearing was continued to September 30, 2013.

On September 30, 2013, a contested case hearing was held before Administrative Law Judge Heather L. Palmer. O'Hare appeared and testified on behalf of IWD. Exhibits 1 through 4 were admitted into the record.

ISSUES

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

IWD selected Hoffman to participate in its reemployment services program. IWD sent Hoffman an Initial Notice to report on July 9, 2013 at 10:00 a.m. for a reemployment and eligibility assessment. Hoffman did not report or call IWD before the appointment.

In her appeal, Hoffman stated she lost the letter stating when and where she was supposed to go.

REASONING AND CONCLUSIONS OF LAW

IWD and the Department of Economic Development jointly provide a reemployment services program.¹ 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.²

In order to maintain continuing eligibility for benefits, an individual is required to report to IWD as directed.³ Specifically, 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.⁴ Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.2(1)e.

⁴ *Id.* 24.6(6).

reemployment services.⁵ “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.”⁶

IWD scheduled Hoffman to attend a reemployment and eligibility assessment on July 9, 2013. Hoffman reported she lost her letter stating when and where she was supposed to go. Hoffman has not established justifiable cause for failing to participate in reemployment services. IWD’s decision should be affirmed.

DECISION

IWD correctly determined Hoffman did not establish justifiable cause for failing to participate in a reemployment and eligibility assessment on July 9, 2013, and its decision dated July 11, 2013, reference 03, is AFFIRMED.

hlp

⁵ *Id.*

⁶ *Id.* 24.6(6) *a.*