

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**JOANN M. ALVAREZ**  
**PO BOX 264**  
**RUTHVEN IA 51358-0264**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMP. SERVICES COORDINATOR &**  
**ANN CONNER**  
**430 EAST GRAND AVENUE**  
**DES MOINES IA 50309**

JOE WALSH, IWD

**Appeal Number: 12IWDUI286**  
**OC: 5/6/12**  
**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, 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)

September 27, 2012

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(Decision Dated & Mailed)

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**STATEMENT OF THE CASE**

Joann Alvarez filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated June 27, 2012, reference 01. In this decision, the Department determined that Ms. Alvarez was ineligible to receive unemployment insurance benefits effective June 17, 2012 because she failed to participate in a reemployment and eligibility assessment on June 22, 2012.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on August 6, 2012 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on August 8, 2012. On September 17, 2012, a telephone appeal hearing was held before Administrative Law Judge John M. Priester. Workforce advisor Ann Conner represented the Department and presented testimony. The administrative file was admitted into the record as evidence. Appellant Joann Alvarez appeared and presented testimony.

## **ISSUE**

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

## **FINDINGS OF FACT**

Joann M. Alvarez filed a claim for unemployment insurance benefits with an effective date of May 6, 2012. In June, 2012, Ms. Alvarez was mailed a notice by the Department scheduling her to attend a reemployment services orientation on June 22, 2012.

Ms. Alvarez was out of town on that date. Every year she leave on June 1<sup>st</sup> and returns on June 25<sup>th</sup>. She was in Ohio and Tennessee visiting family. She was not in the state on the 22<sup>nd</sup> for the orientation session and she did not get the notice until she returned.

On June 27, 2012, the Department issued a decision disqualifying Ms. Alvarez from receiving benefits effective June 17, 2012 because of her failure to report for the June 22<sup>nd</sup> reemployment services orientation. Ms. Alvarez appealed the Department's decision.

## **REASONING AND CONCLUSIONS OF LAW**

Iowa Workforce Development and the Iowa Department of Economic Development provide a program that offers reemployment services to individuals receiving unemployment insurance benefits. The services offered include aptitude assessments, employment counseling, job searching assistance, and resume preparation, among other things. Once the Department selects an individual for reemployment services, that individual must participate in those services unless he or she establishes justifiable cause for failure to participate or has previously completed such training. Justifiable cause 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." Failure to participate without justifiable cause disqualifies an individual from receiving benefits until he or she participates in the reemployment services.<sup>1</sup>

Ms. Alvarez acknowledges that she was on a trip to see family out of state, which caused her to miss the appointment that the Department had scheduled for her on June 22, 2012. Being out of state for a vacation to visit family does not constitute justifiable cause for failure to attend the reemployment services orientation. The Department's decision to disqualify Ms. Alvarez from benefits beginning June 17, 2012 is affirmed. In order to have benefits reinstated, Ms. Alvarez must reschedule and attend a reemployment services assessment with her local Department office.

## **DECISION**

Iowa Workforce Development's decision dated June 27, 2012 is **AFFIRMED**. The Department shall take any action necessary to implement this decision.

jmp

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