

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**JOSH BEYER**  
**708 7<sup>TH</sup> STREET**  
**BELLE PLAINE, IA 52208**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMPLOYMENT SERVS. COORDINATOR**  
**RONEE SLAGLE & SANDRA KROUGH**

NICHOLAS OLIVENCIA, IWD  
JONI BENSON, IWD

**Appeal Number: 15IWDUI144**  
**OC: 03/01/15**  
**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)

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April 30, 2015

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(Decision Dated & Mailed)

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871 IAC chapter 24 – Reemployment Services

### **STATEMENT OF THE CASE**

Claimant/Appellant Josh Beyer appealed a decision issued by Iowa Workforce Development (“IWD”), dated April 7, 2015, reference 06, finding he was ineligible to receive unemployment insurance benefits as of April 5, 2015 because he was mailed a notice to report to attend reemployment services orientation on April 6, 2015, and he failed to report.

On April 16, 2015, 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 Beyer. Prior to the hearing IWD representative, Sandra Krough sent Beyer and the administrative law judge additional exhibits for the hearing.

On April 30, 2015, a contested case hearing was held before Administrative Law Judge Heather L. Palmer. Krough appeared and testified on behalf of IWD. Beyer appeared and testified. Exhibits 1 through 5 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 Beyer to participate in its reemployment services program. Krough sent Beyer Notice to Report to attend reemployment services on April 6, 2015, at 9:00 a.m.

On March 23, 2015, Beyer contacted Krough and informed her he could not attend the appointment because his truck had been stolen. Krough left a message for Beyer informing him he could reschedule the appointment. Beyer did not return a call to Krough. He did not attend the appointment on April 6, 2015. Because he did not attend the appointment, Krough locked Beyer's unemployment insurance benefits.

On April 7, 2015, IWD issued a decision, reference 06, finding Beyer was ineligible to receive unemployment insurance benefits as of April 5, 2015 because he was mailed a notice to report to attend reemployment services orientation on April 6, 2015, and he failed to report. Beyer appealed the decision.

During the hearing Beyer testified he did not understand why he needed to attend the appointment. Beyer reported he was injured at work and would be unable to sit through an extended appointment. Beyer's truck was stolen approximately two months ago and he does not have transportation. Krough told Beyer he could contact her to reschedule the appointment at any time.

### **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>

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

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

In order to maintain continuing eligibility for benefits, an individual is required to report to IWD as directed.<sup>3</sup> 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.<sup>4</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>5</sup> “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.”<sup>6</sup>

Beyer did not attend his appointment on April 6, 2015. He contacted Krough on March 23, 2015 and informed her he could not attend the appointment. Krough returned a call to Beyer to reschedule the appointment. He did not contact her. IWD’s decision should be affirmed.

### **DECISION**

IWD correctly determined Beyer did not establish justifiable cause for failing to participate in reemployment services orientation on April 6, 2015, and its decision dated April 7, 2015, reference 06, is AFFIRMED.

hlp

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<sup>3</sup> *Id.* 24.2(1)e.

<sup>4</sup> *Id.* 24.6(6).

<sup>5</sup> *Id.*

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