

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**KELLI CRAIG**  
**218 1/2 6TH ST**  
**WEST DES MOINES, IA 50265**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMPLOYMENT SERVS. COORDINATOR**  
**RONEE SLAGLE & SHARON PARRY**

Joni Benson, IWD  
Nicholas Olivencia, IWD  
Emily Chafa, UI Appeals Manager

**Appeal Number: 15IWDUI279**  
**OC: 06/14/15**  
**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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September 11, 2015  
(Decision Dated & Mailed)

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871 IAC chapter 24 – Reemployment Services

### **STATEMENT OF THE CASE**

Claimant/Appellant Kelli Craig appealed a decision issued by Iowa Workforce Development (“IWD”), dated August 18, 2015, reference 03, finding Craig was ineligible to receive unemployment insurance benefits as of August 9, 2015 because Craig was mailed a notice to report to attend a reemployment and eligibility assessment on August 10, 2015, and she failed to report.

On August 25, 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 Craig. Prior to the hearing IWD representative Sharon Parry sent Craig and the administrative law judge additional exhibits for the hearing.

On September 10, 2015, a contested case hearing was held before Administrative Law Judge Heather Palmer. Craig appeared and testified. Parry appeared and testified on behalf of IWD. Exhibits 1 through 3 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 Craig to participate in its reemployment services program. Parry scheduled Craig to attend a reemployment and eligibility assessment on July 29, 2015. Prior to the appointment Craig called Parry and informed her she had a job interview scheduled at the time of the appointment. Parry rescheduled the appointment for August 10, 2015.

Craig did not attend the rescheduled appointment on August 10, 2015, or call before the appointment to inform Parry she could not attend the appointment.

On August 18, 2015, IWD issued a decision, reference 03, finding Craig was ineligible to receive unemployment insurance benefits as of August 9, 2015 because Craig was mailed a notice to report to attend a reemployment and eligibility assessment on August 10, 2015, and she failed to report. Craig appealed.

Craig testified she misread the notice to report and wrote down the wrong date. Craig would like assistance finding a job. Parry agreed to contact Craig following the hearing to reschedule her appointment.

### **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>

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

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

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

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

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>

Parry rescheduled Craig’s first appointment because Craig had a job interview. Craig did not attend the rescheduled appointment on August 10, 2015. Craig testified she misread the notice of appointment and wrote down the wrong date. Craig has not established justifiable cause for missing the appointment. IWD’s decision should be affirmed.

### **DECISION**

IWD correctly determined Craig did not establish justifiable cause for failing to participate in a reemployment and eligibility assessment on August 10, 2015, and its decision dated August 18, 2015, reference 03, is AFFIRMED.

hlp

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

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

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