

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

Appeal Numbers: 10IWDUI311-312

OC: 08/01/10

Claimant: Appellant (1)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

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.

KIM ROBERTSON
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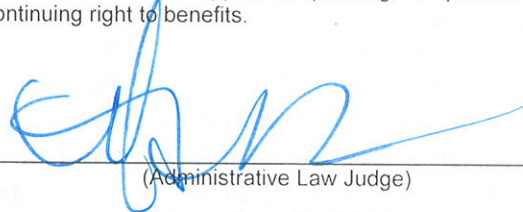
STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT**
430 EAST GRAND AVENUE
DES MOINES IA 50319-0209

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.

DAN ANDERSON, IWD



(Administrative Law Judge)

December 16, 2010

(Decision Dated & Mailed)

871 IAC 24.26(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant Kim Robertson filed an appeal from two decisions issued by Iowa Workforce Development (“IWD”) dated September 28, 2010, reference 03, and October 4, 2010, reference 04. In reference 03, IWD found Robertson was ineligible to receive unemployment benefits from September 26, 2010 through October 2, 2010 because he failed to establish justifiable cause for failing to participate in reemployment services. In reference 04, IWD found Robertson was ineligible to receive unemployment benefits from October 3, 2010, until he reported to his Workforce Development Center for reemployment services.

On November 17, 2010, IWD transmitted the cases to the Department of Inspections and Appeals to schedule a contested case hearing. When IWD transmitted the cases, it mailed copies of the administrative files to Robertson.

On December 15, 2010, a contested case hearing was held before Administrative Law Judge Heather L. Palmer. Neither party appeared. It is a waste of administrative resources when neither party appears. I considered the documents contained in the administrative record.

ISSUE

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

FINDINGS OF FACT

IWD sent Robertson a Notice to Report to attend reemployment services on September 27, 2010. Robertson did not appear. IWD sent a Final Notice to Report for an in-person interview on October 5, 2010.

On October 1, 2010, Robertson called and stated he was working and would not attend the interview on October 5, 2010. Robertson did not attend the appointment.

IWD issued two decisions. In reference 03, IWD found Robertson was ineligible to receive unemployment benefits from September 26, 2010 through October 2, 2010 because he failed to establish justifiable cause for failing to participate in reemployment services. In reference 04, IWD found Robertson was ineligible to receive unemployment benefits from October 3, 2010, until he reported to his Workforce Development Center for reemployment services. Robertson appealed.

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

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.³ Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.6(6).

claimant participates in reemployment services.⁴ “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.”⁵

The record reflects Robertson failed to attend reemployment services. Neither party appeared at hearing to address whether Robertson had justifiable cause for failing to attend reemployment services. There is no proof in the file that Robertson was, in fact, employed.

DECISION

IWD correctly determined Robertson did not establish justifiable cause for failing to participate in reemployment services, and its decisions dated September 28, 2010, reference 03, and October 4, 2010, reference 04, are affirmed.

hlp

⁴ *Id.*

⁵ *Id.* 24.6(6)a.

