

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

Appeal Number: 16IWDUI107
OC: 01/10/16
Claimant: Appellant (2)

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.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

MICHAEL R. KRONFELD
2102 W. 18TH STREET
DAVENPORT, IA 52804

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR &
RONEE SLAGLE & DAVID HARTMAN

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.

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

(Administrative Law Judge)

April 28, 2016

(Decision Dated & Mailed)

STATEMENT OF THE CASE

The Appellant, Michael Kronfeld, filed an appeal from a decision issued by Iowa Workforce Development (IWD or Department) dated February 29, 2016 (reference 02). In this decision, the Department determined that the Appellant was ineligible to receive unemployment insurance benefits effective February 21, 2016, because he failed to participate in a reemployment and eligibility assessment.

The case was transmitted from Iowa Workforce Development to the Department of Inspections and Appeals on March 24, 2016 to schedule a contested case hearing. A copy of the administrative file was also sent to the Appellant. Notice of Telephone Hearing was mailed to all parties on March 25, 2016. On April 19, 2016, a telephone appeal hearing was held before Administrative Law Judge Kathleen M. O'Neill. David Hartman appeared and testified on behalf of Department. Exhibits were submitted by the Department and

admitted into the record as evidence: (A) notice of hearing; (B) transmittal slip; (C) appeal letter; (D) notice of decision; (E) decision worksheet; and (F) rescheduled initial notice. The Appellant was present and provided testimony.

ISSUE

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

Whether the Department correctly determined that the Appellant is ineligible to receive unemployment insurance benefits.

FINDINGS OF FACT

The Appellant filed a claim for unemployment insurance benefits. The February 29, 2016 notice of decision states that the Department mailed the Appellant a notice requiring him to attend a reemployment and eligibility assessment (REA) on February 26, 2016. The notice informed him that failure to appear at the reemployment assessment would result in the denial of unemployment insurance benefits. (Ex. F)

The Appellant did not appear for the assessment, nor did he contact the Department prior to the assessment to indicate any conflict or to attempt to reschedule. On February 29, 2016, the Department issued a decision disqualifying the Appellant from receiving unemployment insurance benefits because of his failure to report for the REA. The Appellant appealed the decision. (Ex. C, D, E, Hartman testimony)

While the Appellant did not appear for the February 26, 2016 assessment, he testified that he had some family issues, where a loved one underwent a risky emergency surgery. He was previously rescheduled to attend REA on February 12, 2016, but contacted the Department to reschedule. The Appellant did not know that he was only able to reschedule the REA one time. When he returned home from the family emergency, he left three to four voicemails to the number listed on the decision, which was the service center in Des Moines. He explained the situation and gave them his new phone number, as his cell number was deactivated. He believed this was all a misunderstanding on his part. (Kronfeld testimony)

On February 29, 2016, the Department issued a decision disqualifying the Appellant from receiving unemployment insurance benefits because of his failure to report for the REA. Department representative David Hartman did not receive a phone call from the Appellant, as the Appellant called the service center number listed on his benefits package. (Ex. C, D)

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.¹

The Appellant did not attend the reemployment and eligibility assessment on February 26, 2016. There is no dispute that the Department sent, and the Appellant received, a copy of the assessment notice and rescheduled assessment notice, which marked the date of appointment and result for failure to attend. However, the Appellant asserted at hearing that he had an unanticipated family medical emergency. When he realized that he had missed the meeting, he called the number on the benefits package.

The Appellant’s follow-up demonstrates that he was committed to attending the REA. The undersigned finds that under these circumstances, a reasonable person would consider the family emergency and Appellant’s subsequent efforts adequate justification for failing to attend the REA. The undersigned finds that the Department’s decision is reversed.

DECISION

Iowa Workforce Development’s decision dated February 29, 2016 (reference 02) is REVERSED. The Department shall take any action necessary to implement this decision.

¹871 Iowa Administrative Code (IAC) 24.6.