

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

**Appeal Number: 12IWDUI033**  
**OC: 7/31/11**  
**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, 4<sup>TH</sup> Floor Lucas Building, Des Moines, Iowa 50319.**

**JEROD THOMPSON**  
**224 ANITA STREET**  
**WATERLOO, IA 50703-2015**

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.

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

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.

JOE WALSH, IWD  
DEBRA HODGES-HARMON, IWD  
CARLA DENNIS, IWD

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(Administrative Law Judge)

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February 27, 2012

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(Decision Dated & Mailed)

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Iowa Code section 96.2(2) – Timely Appeal  
871 IAC 24.26(6) – Reemployment Services

### STATEMENT OF THE CASE

Claimant Jerod Thompson appealed from a decision issued by Iowa Workforce Development (“IWD”) dated September 22, 2011, reference 03, in which IWD determined Mr. Thompson was not eligible to receive unemployment insurance benefits as of September 25, 2011, because he failed to provide justifiable cause for failing to participate in reemployment services. Mr. Thompson filed an appeal on December 20, 2011.

IWD transmitted the case to the Department of Inspections and Appeals on January 17, 2012 to schedule a contested case hearing. A Notice of Telephone Hearing was issued on January 18, 2012, scheduling a hearing for February 27, 2012. The notice to Mr. Thompson went to his address of record, which is the same address to which the decision under appeal was sent. The notice has not been returned in the mail as undelivered.

On February 27, 2012, this appeal proceeded to a hearing before Administrative Law Judge Robert H. Wheeler. Claimant Jerod Thompson failed to appear. Respondent IWD did not appear. Exhibits 1 through 4 entered the record without objection.

### **ISSUES**

Whether the claimant filed a timely appeal.

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

### **FINDINGS OF FACT**

Mr. Thompson was scheduled to attend reemployment services on September 12, 2011. He did not attend. (Exhibit 2).

On September 22, 2011, IWD issued a decision, reference 03, finding Mr. Thompson was ineligible to receive unemployment insurance benefits as of September 25, 2011, because he had not established justifiable cause for failing to participate in reemployment services. (Exhibit 3).

Mr. Thompson filed an appeal dated December 20, 2011. The appeal cites "R.3" as the decision being appealed, but does not state grounds for the appeal. IWD received the appeal form on December 20, 2011.

### **REASONING AND CONCLUSIONS OF LAW**

Timely Appeal

Iowa Code section 96.6 (2) provides (in pertinent part),

"...Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision."

The appeal in this matter followed the decision being appealed by almost three months. This appeal was not timely, and there is no need to address the merits of the appeal further. The decision of September 22, 2011, reference 03, became final by operation of law on October 2, 2011, ten calendar days after the decision.

**DECISION**

Iowa Workforce Development's decision dated September 22, 2011, reference 03, is AFFIRMED.

rhw