

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

**Appeal Number: 12IWDUI022**  
**OC: 9/25/11**  
**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.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**ZACHARY W. EASTERDAY**  
**3279 RISING LANE APT. 6**  
**TODDVILLE, IA 52341-9657**

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.

JOE WALSH, 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 Zachary Easterday appealed from a decision issued by Iowa Workforce Development (“IWD”) dated December 7, 2011, reference 04, in which IWD determined Mr. Easterday was not eligible to receive unemployment insurance benefits as of December 4, 2011, because he failed to provide justifiable cause for failing to participate in reemployment services. Mr. Easterday filed an appeal on December 21, 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. Easterday 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 Zachary Easterday failed to appear. Ann LeFlore appeared for the Respondent IWD and testified. Exhibits 1 through 3 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. Easterday was scheduled to attend reemployment services on December 5, 2011. He did not attend despite verbal and written notice hand delivered to him by IWD. (Exhibit 1; LeFlore testimony). Mr. Easterday also missed two other scheduled reemployment services appointments before completing the required appointment on January 5, 2012. His benefits eligibility was reinstated following his completion of reemployment services. (LeFlore testimony).

On December 7, 2011, IWD issued a decision, reference 04, finding Mr. Easterday was ineligible to receive unemployment insurance benefits as of December 4, 2011, because he had not established justifiable cause for failing to participate in reemployment services. (Exhibit 2).

Mr. Easterday filed an appeal dated December 21, 2011. The appeal form states "For Ref #4: Failed to report for REA" as the decision being appealed, but does not state grounds for the appeal. IWD received the appeal form on December 21, 2011. (Exhibit 3).

### **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 fifteen days. This appeal was not timely, and there is no need to address the merits of the appeal further. The decision of December 7, 2011, reference 04, became final by operation of law on December 17, 2011, ten calendar days after the decision.

**DECISION**

Iowa Workforce Development's decision dated December 7, 2011, reference 04, is AFFIRMED.

rhw