

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

**Appeal Number: 12IWDUI036**  
**OC: 10/02/11**  
**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

**TANYA VAN ROEKEL**  
**2219 4<sup>TH</sup> AVENUE SE**  
**ALTOONA, IA 50009-2130**

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT  
REEMPLOYMENT SERVS. COORDINATOR  
SHANLYN SEIVERT & THERESA GLICK**

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

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(Administrative Law Judge)

February 28, 2012

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(Decision Dated & Mailed)

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871 IAC 24.26(6) – Reemployment Services

### **STATEMENT OF THE CASE**

Claimant/Appellant Tanya Van Roekel filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated December 7, 2011, reference O3, finding Van Roekel was ineligible to receive unemployment insurance benefits as of December 4, 2011, because she failed to attend a reemployment services orientation on December 5, 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 mailed to the parties on January 18, 2012, scheduling a contested case hearing for February 27, 2012. When IWD transmitted the case, it mailed a copy of the administrative file to Van Roekel.

On February 27, 2012, a contested case hearing was held before Administrative Law Judge Heather L. Palmer. Van Roekel did not appear as directed by the Notice of Telephone Hearing. Van Roekel's copy of the Notice of Telephone Hearing was not returned to my office as undeliverable mail. Theresa Glick appeared and testified on behalf of IWD. Exhibits 1 through 3 were admitted into the 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 mailed Van Roekel an appointment letter to attend reemployment services orientation on December 5, 2011. IWD found Van Roekel did not attend reemployment services. Van Roekel appealed. In her appeal letter Van Roekel reported she appeared at IWD on December 5, 2011, but she was late to the session and she was unable to sign the attendance sheet.

Glick reported she allows claimants to join a reemployment services class fifteen minutes after the scheduled start of a class. Glick testified that fifteen minutes after the start of a scheduled class she places a sign on the door stating, "Reemployment Services Orientation in progress. You are late, please call 281-9632 to schedule." Glick did not receive a call from Van Roekel 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>

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.<sup>3</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>4</sup> "Justifiable cause for failure to participate is an important and significant reason which a reasonable person would

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

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

<sup>3</sup> *Id.* 24.6(6).

<sup>4</sup> *Id.*

consider adequate justification in view of the paramount importance of reemployment to the claimant.”<sup>5</sup>

The record reflects Van Roekel failed to attend reemployment services on December 5, 2011. She did not contact IWD to inform IWD she could not attend reemployment services orientation. Van Roekel did not attend the hearing to explain why she was late on December 5, 2011. Van Roekel has not established justifiable cause for failing to participate in reemployment services.

### **DECISION**

IWD’s decision dated December 7, 2011, reference 03, is affirmed.

hlp

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<sup>5</sup> *Id.* 24.6(6)a.