

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

DAVID KLATT
214 4TH STREET STE 3A
BURLINGTON, IOWA 52601

IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR
RONEE SLAGLE & DEBBIE FISER

JONI BENSON, IWD

Appeal Number: 17IWDUI106

OC: 08/07/16

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.

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.

(Administrative Law Judge)

November 8, 2016

(Decision Dated & Mailed)

STATEMENT OF THE CASE

David Klatt appealed from a decision of Iowa Workforce Development (IWD) dated September 16, 2016, reference 03. In that decision, IWD determined that Klatt was ineligible to receive unemployment insurance benefits effective September 11, 2016 for his failure to attend a reemployment and eligibility assessment appointment.

This case was transmitted from IWD to the Department of Inspections and Appeals on September 30, 2016 for the purpose of conducting a contested case hearing. A notice of telephone hearing was mailed to the parties on October 7, 2016.

This matter came on for telephone hearing on November 4, 2016 before Administrative Law Judge Kristine Dreckman. David Klatt appeared self-represented and participated. Present on behalf of IWD was Debbie Fisher. IWD submitted a Notice to Report dated August 26, 2016 and Selected Notes List dated September 23, 2016 that was admitted into evidence without objection. Official notice was taken of the administrative file.

ISSUES

Whether IWD correctly determined the claimant is ineligible to receive unemployment insurance benefits; and whether IWD correctly determined that the claimant did not establish justifiable cause for failing to participate in reemployment services.

FINDINGS OF FACT

David Klatt filed a claim for unemployment insurance benefits effective August 7, 2016. Klatt's address is as follows: 214 N. 4th Street, Suite 3A, Burlington, Iowa 52601-5303. (Notice of Decision).

On August 26, 2016, IWD issued to Klatt via regular U.S.P.S. mail a notice to report for a reemployment and eligibility assessment appointment scheduled for September 13, 2016. The notice was addressed to Klatt as follows:

DAVID A KLATT
214 4TH STSTE 3A
BURLINGTON, IOWA 52601-5303

(Notice to Report).

According to Klatt, he never received the notice to report in the mail. As such, he was unaware of the scheduled appointment and did not appear. Debbie Fisher was not notified that the notice to report was returned as undeliverable. She did not receive any communication from Klatt prior to the scheduled appointment. As such, when Klatt did not attend the appointment on September 13, 2016, IWD issued a notice that he was ineligible to receive unemployment insurance benefits

effective September 11, 2016 and until he reported for a reemployment and eligibility assessment. (Klatt Testimony; Fisher Testimony; Notice of Decision).

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.¹ The services offered include aptitude assessments, employment counseling, job searching assistance, and resume preparation, among other things.² Once IWD 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.³ 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.”⁴ Failure to participate without justifiable cause disqualifies an individual from receiving benefits until he or she participates in the reemployment services.⁵

It is undisputed that Klatt failed to appear for the scheduled reemployment and eligibility assessment appointment. According to IWD, it was mailed to Klatt and was not returned as undeliverable. On the other hand, Klatt asserted that he never received the notice in the mail, and as such was unaware of any requirement on his part to report for the assessment.

The undersigned administrative law judge has reviewed the notice to report at issue. The notice incorrectly printed Klatt’s address so that there is no space between the street name and suite number. It is conceivable that such an error would render the notice undeliverable. In light of the mistake in address, the undersigned administrative law judge finds Klatt’s claim credible.

For these reasons, the undersigned administrative law judge finds Klatt has established justifiable cause for his failure to attend the requisite appointment. Therefore, IWD’s decision to disqualify Klatt for unemployment insurance benefits effective September 11, 2016 must be reversed.

DECISION

Iowa Workforce Development’s decision dated September 16, 2016, reference 03, is **REVERSED**. IWD shall take prompt steps to issue benefits to Klatt retroactive benefits provided he was otherwise eligible. IWD shall take any additional action necessary to implement this decision.

kmd

¹ 871 Iowa Administrative Code (IAC) 24.6(1).

² 871 IAC 24.6(3).

³ 871 IAC 24.6(6).

⁴ 871 IAC 24.6(6)(a).

⁵ 871 IAC 24.6(6).