

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

RACHEL BLOCKER
2882-190TH STREET
DYSART, IA 52224

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & VELMA SALLIS

JONI BENSON, IWD

Appeal Number: 13IWDUI491

OC: 07/28/13

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, 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 21, 2013

(Decision Dated & Mailed)

871 IAC 24.6(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Rachel Blocker filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated September 23, 2013, reference 02. IWD determined Blocker was ineligible to receive unemployment insurance benefits as of September 15, 2013 because she was mailed a notice to report to attend a reemployment and eligibility assessment on September 16, 2013, and she failed to report.

IWD transmitted the case to the Department of Inspections and Appeals on October 14, 2013 to schedule a contested case hearing. When IWD transmitted the case, it mailed a copy of the administrative file to Blocker. On November 1, 2013, a Notice of Telephone Hearing was issued scheduling a contested case hearing for November 13, 2013 at 9:30 a.m. On that date, Workforce Advisor Velma Sallis appeared on behalf of Iowa Workforce Development and presented testimony and exhibits. Blocker also appeared and testified. Exhibits 1 through 4 were admitted into the record without objection.

ISSUE

Whether the IWD correctly determined the Claimant is ineligible to receive unemployment insurance benefits.

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

FINDINGS OF FACT

On August 19, 2013, IWD sent Blocker a Notice to Report for a Re-employment and Eligibility Assessment appointment on September 16, 2013 at 9:00 a.m. (Exhibit 4) Blocker admits receiving this notice. (Blocker testimony) The Notice to Report clearly stated that “Failure to appear on the date and time listed below WILL result in the denial of unemployment insurance benefits.” The notice also included a telephone number and extension number for Blocker to call if she was unable to keep the appointment. (Exhibit 4)

Blocker was a no call/no show for the appointment on September 16, 2013. Blocker did not call to report any issue with attending the assessment. (Sallis testimony; Exhibit 1) On September 23, 2013, IWD sent Blocker a decision informing her that she was ineligible to receive benefits as of September 15, 2013 due to her failure to attend the appointment. The decision also stated that if the decision denied benefits and was not reversed on appeal, it may result in an overpayment that Blocker would be required to pay. (Exhibit 1) Blocker filed an appeal. (Exhibit 2)

In her notice of appeal and at hearing, Blocker explained that she had become a full-time college student as of August 26, 2013 and due to a busy schedule had missed filing for unemployment for a couple of weeks prior to the scheduled appointment on September 16, 2013. In addition, Blocker had two job interviews scheduled for the week of the appointment and was confident that she would be offered at least one of the jobs. For these reasons she decided not to attend the Re-employment and Eligibility Assessment appointment. Blocker did not notify the IWD that she would not attend the appointment. Blocker assumed that she would no longer be receiving unemployment benefits in any event and also assumed that she would simply stop receiving benefits if she stopped filing. Blocker is currently attending school full-time and working part-time as an animal control officer for the city of Waterloo. Blocker's main concern in filing her appeal is that she did not want to be held responsible for an overpayment of unemployment benefits. (Blocker testimony; Exhibit 2)

Sallis explained that there was no overpayment of benefits because Blocker was last paid unemployment benefits for the week of August 17, 2013, and she has not received benefits since then. The action taken to interrupt Blocker's unemployment claim stopped her from receiving benefits, effective September 15, 2013 and going forward from that date until Blocker reported for the assessment. (Sallis testimony; Exhibit 1)

REASONING AND CONCLUSIONS OF LAW

IWD and the Department of Economic Development jointly provide a reemployment services program.¹ 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.²

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.³ Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in reemployment services.⁴ "Justifiable cause for failure to participate 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."⁵

A claimant's mistaken belief that she would soon be employed does not constitute "an important and significant reason" that would justify missing the re-employment and eligibility assessment. Blocker failed to establish justifiable cause for her failure to

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.6(6).

⁴ *Id.*

⁵ *Id.* 24.6(6)a.

attend the September 16, 2013 reemployment and eligibility assessment. IWD's decision is affirmed.

DECISION

IWD's decision, reference 02, dated September 23, 2013, is AFFIRMED.

mlm