

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

ANTHONY E. ARRINGTON
1311 34TH St. SE
CEDAR RAPIDS, IA 52403

**IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & KATE PINE**

JONI BENSON, IWD

Appeal Number: 14IWDUI122
OC: 2/16/14
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)

July 31, 2014

(Decision Dated & Mailed)

STATEMENT OF THE CASE

Claimant/Appellant Anthony E. Arrington appealed a decision issued by Iowa Workforce Development ("IWD"), dated March 25, 2014, reference 01, finding he was mailed a notice to report for reemployment eligibility assessment on March 25 and since he did not report benefits were locked for the week ending March 29.

IWD transmitted the administrative file to the Department of Inspections and Appeals to schedule a contested case hearing. On July 30, 2014, a contested case hearing was held before Administrative Law Judge David Lindgren. Arrington appeared on testified. Kate Pine appeared and testified on behalf of IWD. IWD's exhibits were admitted into the record.

ISSUE

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

Whether IWD correctly determined that the claimant failed to meet the availability requirements by failing to report to his local workforce development center.

FINDINGS OF FACT

On March 7, IWD scheduled Arrington to attend reemployment services orientation on March 18, 2014. On March 14, Arrington called and spoke to Kate Pine, asking to reschedule because he would be traveling on the 14th. He also explained that he had already taken a new job that was to start on March 31. Pine explained that attending the orientation was a requisite for receiving benefits, but offered to reschedule it for March 25. Arrington accepted the offer. A new notice of the appointment was sent out on that day.

On March 24, Arrington left a voice message for Pine reporting that he was still traveling and would be unable to attend the orientation on the 25th. He subsequently did not attend that March 25 orientation and on the same day, Pine issued a decision informing Arrington that his claim was locked due to his failure to attend.

On appeal from this decision, Arrington asked whether there was discretion to make an exception to the requirement that he attend the orientation. He believes that the facts of his case are unique and that he should be exempted from attending. First, at the time the orientations were scheduled, he already had been hired for a job that was set to begin on March 31. He also did not believe attendance should be necessary because he only needed benefits through March 28. He claimed at the appeal hearing that he was appealing on principle, and that it is not about the money.

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

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.6(6).

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

Arrington did not attend reemployment services orientation on March 25, 2014. His proffered excuses were that he was traveling and that he did not think he should have to attend because he already had a job lined up. The question is whether either of these excuses constitutes “justifiable cause?” Clearly, the fact he was traveling is not justifiable cause for not attending. IWD expects benefits recipients to undertake certain simple actions in return for receiving those benefits. If a person is serious about receiving benefits, travel would not stand in the way of doing something as simple as attending a three-hour meeting. And here in fact Arrington’s travel schedule was already accommodated once when the initial March 18 orientation was rescheduled.

The final question is whether justifiable cause is established because Arrington was expecting to start another job on March 31. I conclude it is not. Even Arrington intimated at the hearing that this job was not necessarily a sure thing, and that he was continuing to follow up on other job leads during this time in case something happened with that expected position. Accordingly, the reemployment services orientation could possibly have held real benefit for a person in Arrington’s shoes. Moreover, had IWD, as a policy, decided that those holding an expected job should be excused from reemployment services, it could have done so by rule. It has not done so.

IWD’s decision should be affirmed.

DECISION

IWD correctly determined Arrington did not establish justifiable cause for failing to participate in reemployment services, and its decision dated March 25, 2014, reference 01, is **AFFIRMED**.

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⁴ *Id.*

⁵ *Id.* 24.6(6) *a.*