

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

**Appeal Number: 12IWDUI228**  
**OC: 8/14/11**  
**Claimant: Appellant (1)**

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**GARY D. CARDER**  
**2701 RICHMOND AVENUE**  
**DES MOINES IA 50317-8732**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMP. SERVICES COORDINATOR**  
**430 EAST GRAND AVE.**  
**DES MOINES, IA 50309**

JOE WALSH, IWD

**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.

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.

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(Administrative Law Judge)

July 31, 2012

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(Decision Dated & Mailed)

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### STATEMENT OF THE CASE

Gary Carder filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated March 8, 2012, reference 03. In this decision, the Department determined that Mr. Carder was ineligible to receive unemployment insurance benefits effective March 4, 2012 because he failed to attend a reemployment services orientation.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on June 28, 2012 scheduling a hearing for July 30, 2012. A telephone appeal hearing was held on that date before Administrative Law Judge John M. Priester. Workforce advisor Kevan Irvine represented the Department and presented testimony. The administrative file was admitted into the record as evidence. Mr. Carder appeared and presented evidence.

## **ISSUE**

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

## **FINDINGS OF FACT**

Gary D. Carder filed a claim for unemployment insurance benefits with an effective date of August 14, 2011. On February 2, 2012 the Department mailed Mr. Carder a notice to report for a reemployment services orientation on March 5, 2012. The Notice stated, "Failure to appear on the date and time listed below WILL result in the denial of unemployment insurance benefits."

Mr. Carder did not appear for the March 5, 2012 orientation. Mr. Carder did not contact his workforce advisor regarding rescheduling the orientation.

On March 8, 2012, the Department issued a decision disqualifying Mr. Carder for unemployment insurance benefits effective March 4, 2012 based on a failure to report for the reemployment services orientation on March 5, 2012. The decision informed Mr. Carder that his unemployment benefits will remain denied until he reports for the orientation.

The Appellant testified that when he received the notice he did not think it was that important because he had just obtained a job. He did not think he had to attend the session until he got another mailing saying that he had to attend the session.

## **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. The services offered include aptitude assessments, employment counseling, job searching assistance, and resume preparation, among other things. Once the Department 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. 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." Failure to participate without justifiable cause disqualifies an individual from receiving benefits until he or she participates in the reemployment services.<sup>1</sup>

It is undisputed that Mr. Carder missed his scheduled reemployment services orientation on March 5, 2012. Mr. Carder did not contact the Department upon receiving the notice to inquire as to whether he still had to attend since he recently obtained employment. He just disregarded the notice. Then after receiving the decision he did not contact the Department to reschedule. For two months he did not contact the Department.

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<sup>1</sup> 871 Iowa Administrative Code (IAC) 24.6.

Mr. Carder did not establish that he had justifiable cause for failing to participate in reemployment services. The notice clearly informed him that it was important. The decision informed him that it was important. It was an important matter and he ignored his requirements.

**DECISION**

Iowa Workforce Development's decision dated March 8, 2012 is **AFFIRMED**. The Department shall take any action necessary to implement this decision.

jmp