

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

JAMES KADLEC
P.O. BOX 1526
DAVENPORT, IA 52809-1526

**IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & DAVID HARTMAN**

JOE WALSH, IWD
CARLA DENNIS, IWD

Appeal Number: 12IWDUI275
OC: 06/05/11
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, 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)

August 31, 2012

(Decision Dated & Mailed)

871 IAC 24.26(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant James Kadlec appealed a decision issued by Iowa Workforce Development (“IWD”), reference 02, dated May 18, 2012, finding he was ineligible to receive unemployment insurance benefits as of May 13, 2012 because he failed to attend a reemployment and eligibility assessment on May 17, 2012.

On July 30, 2012, IWD transmitted the administrative file to the Department of Inspections and Appeals to schedule a contested case hearing. When IWD transmitted the file, it mailed a copy of the administrative file to Kadlec. On July 31, 2012, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested case hearing for August 30, 2012.

On August 30, 2012, a contested case hearing was held before Administrative Law Judge Heather L. Palmer. Kadlec did not appear as directed by the Notice of Telephone Hearing. Kadlec's copy of the Notice of Telephone Hearing was not returned as undeliverable mail. David Hartman 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 selected Kadlec to participate in a reemployment and eligibility assessment on May 17, 2012. Hartman reported an appointment notice was sent to Kadlec to attend the appointment.

Kadlec did not attend the reemployment and eligibility assessment on May 17, 2012. Hartman testified Kadlec did not call before the appointment to reschedule the appointment. IWD issued the decision, reference 02, on May 18, 2012, finding Kadlec was ineligible to receive unemployment insurance benefits effective May 13, 2012 because he failed to attend the reemployment and eligibility assessment on May 17, 2012. Kadlec did not appear at hearing to testify why he failed to attend the appointment.

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

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.6(6).

⁴ *Id.*

⁵ *Id.* 24.6(6) a.

Kadlec did not attend his reemployment and eligibility assessment on May 17, 2012. He has not established justifiable cause for failing to attend the assessment on May 17, 2012. IWD's decision should be affirmed.

DECISION

IWD correctly determined Kadlec did not establish justifiable cause for failing to participate in reemployment services, and its decision dated May 18, 2012, reference 02, is AFFIRMED.

hlp