

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

Appeal Number: 14IWDUI020
OC: 11/10/13
Claimant: Appellant (1)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

TOM BENNETT
889 2ND AVENUE
MARION, IA 52302

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & CAROL DUGAN

JONI BENSON, 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, 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)

March 28, 2014

(Decision Dated & Mailed)

871 IAC 24.6(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Tom Bennett filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated December 23, 2013, ref 01. IWD determined Bennett was not eligible to receive unemployment insurance benefits as of December 15, 2013 because he failed to report for a reemployment and eligibility assessment on December 17, 2013.

A contested case hearing was held on March 5, 2014. Bennett appeared and testified. Carol Duggan appeared and testified on behalf of IWD. The letter notifying Bennett he was required to attend the appointment, a statement of fact, the decision dated

December 23, 2013, and Bennett's appeal letter dated January 2, 2014 were included as part of 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 scheduled Bennett to attend a reemployment and eligibility assessment on December 17, 2013. Bennett testified that he was moving at about the time the notice was sent. He testified "I did not pay enough attention to my mail as I should have". During the hearing Bennett re-scheduled the assessment with Duggan for March 14, 2014. He also provided a new address.

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 Bennett admitted that he did not pay attention to his mail at the time the assessment was sent. It was incumbent upon him to let IWD know in advance of his change of address. It was also incumbent upon him to watch his mailbox for correspondence from the Department. IWD's decision is affirmed.

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.6(6).

⁴ *Id.*

⁵ *Id.* 24.6(6)a.

DECISION

IWD's decision dated December 23, 2013 reference 01, is affirmed.