

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

Appeal Number: 12IWDUI300
OC: 11/13/11
Claimant: Appellant (1)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

JACK B. ABRAMSON
2643 BEAVER AVENUE #171
DES MOINES IA 50310

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, 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)

September 14, 2012

(Decision Dated & Mailed)

STATEMENT OF THE CASE

Jack B. Abramson filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated June 21, 2012, reference 03. In this decision, the Department determined that Mr. Abramson was ineligible to receive unemployment insurance benefits effective June 10, 2012 because he failed to attend a reemployment services assessment.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on August 10, 2012 scheduling a hearing for September 14, 2014. The hearing was held before Administrative Law Judge John M. Priester. Workforce advisor Laurie Arandus represented the Department and presented testimony. The administrative file was admitted into the record as evidence. The notice of hearing provided instructions to participate in the hearing. Appellant Jack Abramson

did not appear by telephone at the date and time scheduled and the hearing was held in his absence.

ISSUE

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

FINDINGS OF FACT

Jack Abramson filed a claim for unemployment insurance benefits with an effective date of November 13, 2011. On June 5, 2012, the Department mailed him a notice to report for a reemployment services assessment on June 15, 2012. Mr. Abramson did not appear for the June 15, 2012 assessment. Mr. Abramson did not contact workforce advisor Laurie Arandus regarding the assessment.

On June 21, 2012, the Department issued a decision disqualifying Mr. Abramson for unemployment insurance benefits effective June 10, 2012 based on a failure to report for the reemployment services assessment on June 15, 2012.

In his appeal letter, Mr. Abramson asserts that he was not aware of the meeting scheduled for June 15, 2012. He did not appear for the hearing to explain why he has not contacted the Department to reschedule this assessment in the three months since the decision was issued.

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.¹

It is undisputed that Mr. Abramson missed his scheduled reemployment services assessment on June 15, 2012. Since Mr. Abramson did not appear for the hearing, there was no opportunity to ask any questions regarding his missing the assessment. Under these circumstances, Mr. Abramson did not show justifiable cause for failing to participate in reemployment services.

¹ 871 Iowa Administrative Code (IAC) 24.6.

DECISION

Iowa Workforce Development's decision dated June 21, 2012 is **AFFIRMED**. The Department shall take any action necessary to implement this decision.

jmp