

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

NICOLE RUFFINS
921 CUTLER STREET
WATERLOO, IA 50703

IOWA WORKFORCE DEVELOPMENT

REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & VELMA SALLIS

Appeal Number: 14IWDUI116

OC: 12/22/2013

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)

April 29, 2014

(Decision Dated & Mailed)

871 IAC 24.2(1)e – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Nicole Ruffins appealed a decision issued by Iowa Workforce Development (IWD), dated March 10, 2013, reference 05, finding she was ineligible to receive unemployment insurance benefits as of March 2, 2014 because she failed to attend a required reemployment and eligibility assessment on March 6, 2014. Ms. Ruffins filed an appeal that appears to have been received by IWD on March 27, 2014.

On April 4, 2013, 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 Nicole Ruffins. On April 11, 2013, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing scheduling an appeal hearing for April 29, 2014 at 10 a.m.

The appeal hearing was convened on April 29, 2014 at the scheduled time. Appellant Nicole Ruffins appeared and testified. IWD was represented by Workforce Advisor Velma M. Sallis. The following documents were admitted into the record:

- IWD Notice of Decision dated 3/10/2014;
- Appellant Appeal letter dated 3/10/2014, stamped received 3/27/2014;
- IWD Appeal Summary dated 4/21/2014 prepared by Workforce Advisor Sallis with attached Exhibits 1-4.

ISSUES

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

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

FINDINGS OF FACT

IWD selected Nicole Ruffins to participate in its reemployment services program. On January 31, 2014, IWD sent Ms. Ruffins a notice requiring her to attend a Re-employment and Eligibility Assessment appointment set for February 25, 2014, at 1 p.m. at the IowaWorks offices in Waterloo. The letter stated in pertinent part:

Failure to appear on the date and time listed below WILL result in the denial of unemployment insurance benefits.

If you are unable to keep this appointment, please contact the number located at the top of the page.

The number listed at the top of the page was (319) 235-2123, Ext. 302. (Sallis Testimony, IWD Ex. 1). (emphasis in original).

Appellant Ruffins received the appointment notice. At 9 a.m., February 25, 2014, the date of the scheduled appointment, IWD Workforce Advisor Sallis received a telephone message from Claimant Ruffins stating Ms. Ruffins could not make the appointment because she had another appointment at the same time. (Sallis Testimony, IWD Appeal Summary). Workforce Advisor Sallis called Ms. Ruffins and rescheduled her for another required appointment for Thursday, March 6, 2014, at 1:45 p.m. (Sallis Testimony, IWD Appeal Summary). The Workforce Advisor told Ms. Ruffins that the required appointment would be rescheduled one time without an interruption in benefits. (Sallis Testimony, IWD Appeal Summary). The Workforce Advisor sent Ms. Ruffins a Rescheduled Notice of Appointment on February 25, 2014, with the new appointment date of March 6, 2014. (IWD Ex. 2). The notice again advised Ms. Ruffins that if she could not attend the appointment, she should call the number at the top of the letter. (Sallis Testimony, IWD Ex. 2).

Claimant Ruffins did not attend the required March 6, 2014 appointment, and she did not call in ahead of time to advise that she could not make it. (Sallis Testimony, IWD Appeal Summary, IWD Ex. 3). Ms. Sallis issued a Notice of decision dated March 10,

2014 stating that because Ms. Ruffins missed the required appointment, her unemployment benefits were denied as of March 2, 2014 and would continue to be denied until she reports for the required assessment appointment. (Sallis Testimony, 3/10/2014 Notice of Decision).

Workforce Advise Sallis explained at the hearing that the Department will allow for one rescheduled REA appointment without an interruption in benefits. (Sallis Testimony). She explained that if Ms. Ruffins had called in before the March 6, 2014 appointment, the Advisor would have scheduled another appointment, but that Ms. Ruffin's benefits would have been stopped and only reactivated upon Ms. Ruffin's participation in the required appointment. (Id.).

Claimant Ruffins admits she received the letter for the required March 6, 2014 appointment. (Ruffins Testimony). She wrote in her appeal letter that, "I previously forgot about my unemployment appointment because of things I have going on in my life." (Claimant/Appellant Appeal Letter). She testified at hearing that on March 6, 2014, the day of the required appointment, she forgot to call in, and that she also had a doctor's appointment that ran late and would have made her unable to attend the 1:45 p.m. appointment. (Ruffins Testimony).

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

In order to maintain continuing eligibility for benefits, an individual is required to report to IWD as directed.³ Specifically, 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.⁴ Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in reemployment services.⁵ "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."⁶

Appellant/Claimant Nicole Ruffins admits she missed the March 6, 2014 mandatory appointment because she forgot to call in and had an appointment that day with her doctor that ran late. There is evidence that she was aware of the need to call in if she

¹ 871 Iowa Administrative Code (IAC) 24.6(1).

² 871 IAC 24.6(3).

³ 871 IAC 24.2(1)e.

⁴ 871 IAC 24.6(6).

⁵ 871 IAC 24.6(6).

⁶ 871 IAC 24.6(6)a.

could not make the required appointment, because she had done so when she could not make a previously scheduled February 25, 2014 appointment.

I find that Claimant Ruffins' excuse that she forgot is insufficient justification for her failure to attend the required March 6, 2014 appointment.

DECISION

IWD's decision, dated March 10, 2014, reference 05, is **AFFIRMED (found to be correct).**

BT