

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

Appeal Number: 17IWDUI194
OC: 09/25/16
Claimant: Appellant (2)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

COREY M. GROVER,
753 W. Benton Street Apt. 9
Iowa City, IA 52246,

IOWA WORKFORCE DEVELOPMENT:
ANN LeFLORE, IWD
JONI BENSON, IWD
JODI DOUGLAS, IWD
NICHOLAS OLIVENCIA, IWD
EMILY CHAFA, UI APPEALS MANAGER

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 written 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 31, 2017

(Dated and Mailed)

871 Iowa Administrative Code § 24.2(1)(e) – Reemployment Services
871 Iowa Administrative Code § 24.11
871 Iowa Administrative Code § 24.6(6)

STATEMENT OF THE CASE

Corey Grover (“Grover”) filed an appeal from a December 5, 2016, decision (Ref. 03) by the Iowa Workforce Development (“IWD”) that found he was ineligible to receive unemployment benefits starting on November 27, 2016, for failing to report for a scheduled appointment on December 2, 2016. IWD appeared. Both parties presented testimony, and the documents submitted by the parties were admitted into the record.

ISSUE

The issues are: (1) whether IWD correctly determined Grover is ineligible to receive unemployment insurance benefits; and (2) whether IWD correctly determined that the claimant did not establish justifiable cause for failing to participate in reemployment services.

FINDING OF FACTS

The facts of this case are largely undisputed. IWD mailed Grover notice to attend an employment workshop on December 2, 2016. Grover was receiving unemployment at the time, and he received notice of the appointment. On December 2, 2016, however, Grover accepted a job offer, with a start date in the following week, and as such, he reported to IWD to state he was not attending the workshop because he already found employment. No representative of IWD gave him authorization to not attend the workshop, and in response to failing to attend, IWD issued the decision at issue that disqualified him from further unemployment benefits. Grover appealed, and on appeal, he states he did not need to attend the workshop because he had secured employment. In response, IWD argues that Grover must comply with all unemployment insurance requirements while receive payments.

REASONING AND CONCLUSIONS OF LAW

IWD and the Department of Economic Development jointly provide a reemployment services program. 871 Iowa Administrative Code (“I.A.C.”) § 24.6(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. Id. § 24.6(3).

In order to maintain continuing eligibility for benefits, an individual is required to report to IWD as directed. Id. § 24.2(1)(e). 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. Id. § 24.6(6)(a). “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.” Id. § 24.6(6)(a).

In this case, the balance of the record indicates Grover had justifiable cause to not attend the December 2, 2016, appointment. As an initial matter, no dispute exists that IWD had the authority to require Grover to attend the appointment and that Grover received prior notice of it. Instead, the issue is whether the acceptance of a job offer can create justifiable cause for not attending the workshop. This is a closer question because, so long as Grover is receiving benefits, he is required to abide by the conditions of the program. Further, it is IWD’s decision and not his to decide when an appointment is unnecessary, particularly since accepting a job does not necessarily mean that the employment will actually commence or at least commence at a level no longer requiring unemployment benefits. Also, justifiable cause relates to a circumstance that prevents an individual from attending a job training service, and here, the acceptance of the job did not prevent Grover from attending the interview. Nevertheless, while Grover should have sought authorization to not attend the workshop prior to not attending it, it is not beyond reason to think that the appointment would not be necessary because he had

secured employment. As such, while a much closer case, there is justifiable cause for not attending the appointment. Accordingly, IWD's action is REVERSED.

DECISION AND ORDER

IWD's decision in this matter is REVERSED. IWD shall determine if Grover was otherwise eligible for benefits during the requisite time period in contest, and shall take all necessary measures to effectuate this decision.

JMG