

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 T. WILLIAMS**  
**416 E. 8<sup>TH</sup> ST.**  
**WATERLOO, IA 50703**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMP. SERVICES COORDINATOR**  
**RONEE SLAGLE & DENNIS McNAMARA**

JONI BENSON, IWD  
NICHOLAS OLIVENCIA, IWD  
EMILY CHAFA, UI APPEALS MANAGER

**Appeal Number: 16IWDUI116**  
**OC: 1/24/16**  
**Claimant: Appellant (2)**

**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, 4<sup>TH</sup> 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.

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(Administrative Law Judge)

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April 27, 2016

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(Decision Dated & Mailed)

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**STATEMENT OF THE CASE**

James T. Williams filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated March 15, 2016 (Reference 02). In this decision, the Department determined that Williams was ineligible to receive unemployment insurance benefits effective March 13, 2016, because he was mailed a notice to report for a reemployment and eligibility orientation on March 14, 2016 and he did not report.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on April 5, 2016 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on April 11, 2016. On April 21, 2016, a telephone appeal hearing was held before Administrative Law Judge Tricia A. Johnston. Dennis McNamara represented the Department and presented testimony. Velma Sallis also appeared on behalf of the Department but did not testify. Exhibits 1 through 12

were submitted by the Department and admitted into the record as evidence. On April 14, 2016, Respondent submitted additional exhibits 13 through 16 and a revised Exhibit 2, however these exhibits postdated all issues raised at hearing and the Appellant did not receive these exhibits prior to hearing, therefore they were not admitted into evidence. Appellant James Williams appeared and presented testimony. Appellant's notice of Appeal was admitted into evidence as Exhibit 17. Judicial notice is taken of the Decision issued March 15, 2016 (Ref. 02).

## **ISSUES**

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

## **FINDINGS OF FACT**

James T. Williams filed a claim for unemployment insurance benefits with an effective date of January 24, 2016. Williams attended a Reemployment and Eligibility Assessment on March 2, 2016. At that time, he was scheduled to attend a Reemployment and Eligibility Orientation workshop on March 14, 2016. (McNamara testimony; Exhibits 1-3).

Williams did not attend the orientation on March 14, 2016 as scheduled. McNamara testified that there was no contact from Williams before or after the missed appointment. McNamara prepared a Statement of Facts showing Williams did not appear and then issued the notice disqualifying him for benefits. (McNamara testimony; Exhibit 6; 3/15/16 Notice of Decision)

On March 24, 2016, after missing an NCRC workshop scheduled for that day, Williams attempted to contact McNamara by phone. McNamara returned the call on March 25, 2016. On March 31, 2016, McNamara spoke with Williams on the phone and rescheduled him to attend both missed appointments. Williams completed his orientation on April 6, 2016. After also completing his missed NCRC appointments, Williams' claim was unlocked.<sup>1</sup> (Exhibit 2; Exhibit 8; Exhibit 11; McNamara testimony)

Williams testified at hearing stating the reason he didn't appear or call for the March 14, 2016 orientation is that he was in the hospital with his child's mother. She was having bad pains and they went to the emergency room. That is when they found out she was having twins. He was at the hospital with her at the time of the orientation which is why he couldn't make it. He did miss his appointment and didn't call him about it because it slipped his mind when he found out she was having twins. He thought he was going through the proper procedures to get his benefits back when he filed the appeal. He didn't know he could get rescheduled for the appointment until he talked to McNamara after missing his NCRC appointment. He was rescheduled for both at that time and his

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<sup>1</sup> It is not clear from the record when he was unlocked from the decision dated March 15, 2016, Ref. 02. It was ascertained at hearing that his claim was unlocked in April and was not unlocked back to the date his claim was locked in March, therefore, the Appellant was denied benefits for a period of time due to this decision.

claim was unlocked but he still wanted his benefits from the time he was locked as of March 14, 2016. (Williams testimony)

### **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.<sup>2</sup>

I found Mr. Williams’ testimony credible that he was in the emergency room with the mother of his children who was pregnant with twins at the time of the orientation. Had Mr. Williams contacted Mr. McNamara to reschedule that appointment after missing it he would have avoided having his claim locked. Given the circumstances, Mr. Williams had good cause for missing the appointment. The Department’s decision disqualifying him from receiving benefits commencing March 14, 2016 must be reversed.

### **DECISION**

Iowa Workforce Development’s decision dated March 15, 2016 (reference 02) is REVERSED. The Department shall take any action necessary to implement this decision.

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<sup>2</sup> 871 Iowa Administrative Code (IAC) 24.6.