

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

Appeal Number: 15IWDUI240
OC: 05/31/15
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, 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.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

LINDA THORNBURG
P.O. BOX 233
BONAPARTE, IA 52620

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
RONEE SLAGLE & MELISA HITE

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.

JONI BENSON, IWD
NICHOLAS OLIVENCIA, IWD
EMILY CHAFA, UI APPEALS MANAGER
BRYAN GOLDSMITH, ATTORNEY

(Administrative Law Judge)

August 19, 2015

(Decision Dated & Mailed)

871 IAC 24.6(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Linda Thornburg appealed a decision issued by Iowa Workforce Development (“IWD”) dated July 9, 2015, reference 02, finding Thornburg was not eligible to receive unemployment insurance as of July 5, 2015 because she failed to attend a reemployment services orientation on July 7, 2015.

IWD transmitted the case to the Department of Inspections and Appeals on July 27, 2015 to schedule a contested case hearing. When IWD transmitted the case, it mailed a copy of the administrative file to Thornburg. A Notice of Telephone Hearing was issued on July 29, 2015, scheduling a hearing for August 19, 2015. Prior to the hearing IWD representative, Melisa Hite, mailed additional exhibits to Thornburg and provided a copy to the administrative law judge.

A contested case hearing was held on August 19, 2015. Attorney Bryan Goldsmith represented Thornburg. Thornburg appeared and testified. Hite appeared and testified on behalf of IWD. Exhibits 1 through 6 were admitted into the record.

ISSUES

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

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

FINDINGS OF FACT

IWD scheduled Thornburg to attend a reemployment services orientation on July 7, 2015. Thornburg did not attend the appointment. IWD issued a decision on July 9, 2015, reference 02, finding Thornburg was not eligible to receive unemployment insurance benefits as of July 5, 2015 because she failed to attend a reemployment services orientation on July 7, 2015. Thornburg appealed.

In her appeal filed July 17, 2015, Thornburg reported she is the caregiver of her elderly father who lives out of state and his blood sugar dropped, requiring hospitalization. Thornburg noted her parents do not drive and are dependent on her. Thornburg stated she did not have the appointment letter to call before the appointment.

During the hearing Thornburg testified her parents live in Missouri, 30 minutes from her home. Thornburg received a call during the night from her mother indicating her father's blood sugar had dropped to 23. Thornburg rushed to Missouri. The paramedics transported her father to the hospital and he was admitted. Thornburg was absent in Missouri for a few days caring for her parents. When she returned, Thornburg received the decision cancelling her benefits and she appealed.

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

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

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

Thornburg had justifiable cause for failing to attend the July 7, 2015 appointment. She had received a call during the night that her father’s blood sugar had dropped to 23. Thornburg rushed to her parents’ home in Missouri, 30 minutes away from her home. Thornburg’s father was taken by ambulance to the hospital and admitted. Thornburg had established justifiable cause for failing to participate in the July 7, 2015 appointment. IWD’s decision is reversed.

DECISION

IWD’s decision dated July 9, 2015, reference 02, is REVERSED.

hlp

³ *Id.* 24.6(6).

⁴ *Id.*

⁵ *Id.* 24.6(6) a.