

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

**DECISION OF THE ADMINISTRATIVE LAW JUDGE**

**BONNIE M. DREIFURST**  
**PO BOX 97**  
**PRINCETON, IA 52768**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMP. SERVICES COORDINATOR**  
**RONEE SLAGLE & DAVID HARTMAN**

Joni Benson, IWD  
Jodi Douglas, IWD  
Nicholas Olivencia, IWD  
Emily Chafa, UI Appeals Manager

**Appeal Number: 16IWDUI106**  
**OC: 12/20/15**  
**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, 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 29, 2016

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(Decision Dated & Mailed)

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**STATEMENT OF THE CASE**

The Appellant, Bonnie Dreifurst, filed an appeal from a decision issued by Iowa Workforce Development (IWD or Department) dated February 24, 2016 (reference 02). In this decision, the Department determined that the Appellant was ineligible to receive unemployment insurance benefits effective February 21, 2016, because she failed to participate in a reemployment and eligibility assessment.

The case was transmitted from Iowa Workforce Development to the Department of Inspections and Appeals on March 24, 2016, to schedule a contested case hearing. A copy of the administrative file was also sent to the Appellant. Notice of Telephone Hearing was mailed to all parties on March 25, 2016. On April 20, 2016, a telephone appeal hearing was held before Administrative Law Judge Kathleen M. O'Neill. David Hartman appeared and testified on behalf of Department. The Appellant, Bonnie Dreifurst, appeared and

presented testimony. Exhibits were submitted by IWD and admitted into the record as evidence: (A) notice of hearing; (B) transmittal slip; (C) appeal letter; (D) notice of decision; (E) decision worksheet; and (F) rescheduled initial notice. The Appellant was present and provided testimony.

### **ISSUE**

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

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

### **FINDINGS OF FACT**

The Appellant filed a claim for unemployment insurance benefits. The February 24, 2016 notice of decision states that the Department mailed the Appellant a notice requiring her to attend a reemployment and eligibility assessment (REA) on February 22, 2016. The notice informed her that failure to appear at the reemployment assessment would result in the denial of unemployment insurance benefits. (Ex. F)

The Appellant did not appear for the assessment, but asserts that she contacted the Department prior to the assessment to indicate a conflict and attempt to reschedule. The Department did not receive this message and on February 24, 2016, issued a decision disqualifying the Appellant from receiving unemployment insurance benefits because of her failure to report for the REA. The Appellant appealed the decision. (Ex. C, D, E, Hartman testimony)

While the Appellant did not appear for the February 22, 2016 assessment, she testified that she called and left a message for Mr. Hartman on the Friday before the Monday appointment. She explained that she was busy on all Mondays due to doctor appointments and rehabilitation appointments. Department representative, David Hartman, testified that he did not recall this message; however, it was possible that the Appellant called and he did not receive the message. Mr. Hartman explained that Department policy was to only reschedule the REA one time. (Dreifurst, Hartman testimony)

On February 24, 2016, the Department issued a decision disqualifying the Appellant from receiving unemployment insurance benefits because of her failure to report for the REA. (Ex. D)

### **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>1</sup>

The Appellant did not attend the reemployment and eligibility assessment on February 22, 2016. There is no dispute that the Department sent a copy of the rescheduled assessment notice on February 9, 2016, which marked the date of appointment as February 22, 2016, and result for failure to attend. The Appellant asserted at hearing that she called Mr. Hartman on the Friday before the Monday appointment, or February 19, 2016, alerting that she was unable to attend the REA on February 22, 2016. Although Mr. Hartman did not recall the message, he testified that it was possible the Appellant called and he did not receive the message. The undersigned notes that the Appellant had prior knowledge of her appointments, and if her scheduling conflicts had been sufficiently important and significant, she should have notified the Department at an earlier time to examine the possibility of rescheduling. However, the Appellant did take proactive measures toward re-employment. She provided credible testimony that she attempted to contact the Department to alert of her absence. A reasonable person would consider the Appellant’s commitment adequate justification for failing to attend a reemployment and eligibility assessment.

### **DECISION**

Iowa Workforce Development’s decision dated February 24, 2016 (reference 02) is REVERSED. The Department shall take any action necessary to implement this decision.

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<sup>1</sup> 871 Iowa Administrative Code (IAC) 24.6.