

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

Appeal Number: 12IWDUI210
OC: 01/22/12
Claimant: Appellant (1)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

APRIL M. SLECHTA
PO BOX 231
VICTOR IA 52347-0231

IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR &
CAROL DUGGAN

JOE WALSH, IWD

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)

July 13, 2012

(Decision Dated & Mailed)

STATEMENT OF THE CASE

April M. Slechta filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated April 23, 2012, reference 03. In this decision, the Department determined that Ms. Slechta was ineligible to receive unemployment insurance benefits effective April 15, 2012 because she failed to participate in a reemployment services orientation.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on May 29, 2012 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on May 31, 2012. On July 11, 2012, a telephone appeal hearing was held before Administrative Law Judge John M. Priester. Workforce advisor Carol Duggan represented the Department and presented testimony. The administrative file was submitted by the Department and admitted into

the record as evidence. The Appellant was provided instructions to participate in the hearing, but did not call in to do so. The hearing was held in her absence.

ISSUE

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

FINDINGS OF FACT

April Slechta filed a claim for unemployment insurance benefits with an effective date of January 22, 2012. On March 29, 2012 the Department mailed the Appellant a notice to participate in a reemployment services orientation on April 18, 2012. Ms. Slechta did not appear for the reemployment services orientation on April 18, 2012 and did not call either before or after the class to explain her absence. (Duggan testimony).

On April 23, 2012, the Department issued a decision denying benefits to Ms. Slechta effective April 15, 2012 because of her failure to report for the April 18, 2012 orientation.

Ms. Slechta filed an appeal of the Department's decision.

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.¹

In this case, Ms. Slechta did not appear and explain why she did not attend the reemployment services orientation.

Ms. Slechta should be aware that she will continue to be blocked from receiving benefits until she completes a reemployment services orientation. Ms. Slechta can contact her local Workforce Development office in order to schedule the workshop.

DECISION

Iowa Workforce Development's decision dated April 23, 2012 is **AFFIRMED**. The Department shall take any action necessary to implement this decision.

jmp

¹ 871 Iowa Administrative Code (IAC) 24.6.