

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

Appeal Number: 12IWDUI140
OC: 05/08/11
Claimant: Appellant (1)

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

JEREMY D. HODSON
24459 288TH TRAIL
ADEL, IA 50003-4476

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & SUE BARTON**

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.

JOE WALSH, IWD
CARLA DENNIS, IWD

(Administrative Law Judge)

April 19, 2012

(Decision Dated & Mailed)

871 IAC 24.26(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Jeremy Hodson filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated January 30, 2012, reference 02, finding Hodson was ineligible for unemployment insurance benefits effective January 22, 2012 because IWD mailed Hodson a notice to report to attend reemployment services orientation on January 23, 2012 and he did not report.

On March 23, 2012, IWD transmitted the case to the Department of Inspections and Appeals to schedule a contested case hearing. The administrative file indicates that when IWD transmitted the case, it mailed a copy of the administrative file to Hodson.

A contested case hearing was scheduled for March 13, 2012. Hodson did not attend the hearing as directed by the Notice of Telephone Hearing. No one appeared on behalf of IWD at the hearing as directed by the Notice of Telephone Hearing. I took judicial notice of the documents contained in the administrative appeal file.

ISSUE

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

FINDINGS OF FACT

IWD sent Hodson a Notice to Report to attend reemployment services orientation on January 22, 2012. Hodson did not attend reemployment services orientation or call to say he could not attend reemployment services orientation.

IWD sent Hodson a decision dated January 30, 2012, finding he was ineligible for unemployment insurance benefits effective January 22, 2012 because IWD mailed him a notice to report to attend reemployment services orientation on January 23, 2012 and he failed to attend.

In his appeal letter Hodson reported he did not receive the notice to report to attend reemployment services orientation. Hodson did not appear at hearing to testify under oath regarding any problems he has had with his mail.

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 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

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.6(6).

⁴ *Id.*

⁵ *Id.* 24.6(6)a.

Hodson failed to attend reemployment services orientation on January 23, 2012. Hodson did not appear at hearing to testify under oath regarding any problems with his mail. He has not established justifiable cause for failing to participate in reemployment services.

DECISION

IWD's decision dated January 30, 2012 is affirmed.

hlp