

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**CHRISTINE RAGAN**  
**404 FAIRVIEW AVENUE**  
**MUSCATINE IA 52761**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMPLOYMENT SERVS. COORDINATOR**  
**SHANLYN SEIVERT & DAVID HARTMAN**

TERESA K. HILLARY, IWD  
CARLA DENNIS, IWD

**Appeal Number: 13IWDUI250**  
**OC: 11/25/12**  
**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, 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.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

---

871 IAC 24.2(1)(e) – Duty to report  
871 IAC 24.6(6) – Reemployment Services

### **STATEMENT OF THE CASE**

Claimant/Appellant Christine Ragan appealed a decision issued by Iowa Workforce Development (“IWD”), dated May 3, 2013, reference 01, finding she was ineligible to receive unemployment insurance benefits as of April 24, 2013 because IWD mailed her a notice to report to attend a reemployment and eligibility assessment on May 2, 2013 and she failed to report.<sup>1</sup>

---

<sup>1</sup> The Administrative Code Section set out in the Transmittal Slip in connection with this appeal, 871 IAC 24.2(1)(e), deals with the duty to report. The more specific issue set out in the Notice of Telephone Hearing (litigated by implicit agreement), is whether the Appellant showed justifiable cause for failing to participate in the reemployment services session as set out in 871 IAC 24.6(6)(a).

On May 21, 2013, IWD transmitted the administrative file to the Department of Inspections and Appeals to schedule a contested case hearing. When IWD transmitted the file, it mailed a copy of the administrative file to Ragan.

On July 2, 2013, a contested case hearing was held before Administrative Law Judge Ann E. Brenden. David Hartman appeared and testified on behalf of IWD. Exhibits 1 through 4 were admitted into the record.

Ragan did not appear within five minutes after the time set for hearing so the hearing began without her. After Hartman concluded his testimony and just as the hearing was concluding, Ragan joined the conference call and explained her tardiness as attributable to the absence of access to phone service until then. The undersigned summarized Hartman's testimony for Ragan, swore her in, and received Ragan's testimony.

### **ISSUE**

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

### **FINDINGS OF FACT**

IWD selected Ragan to participate in its reemployment services program. On April 24, 2013, IWD mailed Ragan a notice to report for a reemployment and eligibility assessment on May 2, 2013. (Exhibit 2). Ragan did not attend the May 2, 2013 reemployment and eligibility assessment because, although she received the notice to report, she wrote down the wrong date: May 3, 2013. (Exhibit 3; Ragan testimony). Even so, she also did not attempt to attend the session that she thought was on May 3, 2013, instead leaving a voicemail about her unavailability. (Ragan testimony). She found out a few days later that she had written down the wrong date and missed the session on May 2, 2013.<sup>2</sup> (Id.)

### **REASONING AND CONCLUSIONS OF LAW**

IWD and the Department of Economic Development jointly provide a reemployment services program.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> Failure by the claimant to participate

---

<sup>2</sup> Hartman scheduled the Appellant for a new reassessment session at the conclusion of this hearing.

<sup>3</sup> 871 IAC 24.6(1).

<sup>4</sup> *Id.* 24.6(3).

<sup>5</sup> *Id.* 24.6(6).

without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in reemployment services.<sup>6</sup> “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.”<sup>7</sup>

Ragan did not attend the reemployment and eligibility assessment on May 2, 2013. The reason for her failure to attend was her failure to accurately record the appointment. This does not establish justifiable cause for missing the appointment. IWD’s decision should be affirmed.

### **DECISION**

IWD correctly determined Ragan did not establish justifiable cause for failing to participate in reemployment services, and its decision dated May 3, 2013, reference 01, is AFFIRMED.

aeb

---

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* 24.6(6)a.