

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

RODNEY O. JONES
4000 ARCHER DRIVE #H8
EAST MOLINE, IL 61244

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & AMY HERRING

JOE WALSH, IWD
CARLA DENNIS, IWD

Appeal Number: 12IWDUI093
OC: 04/18/10
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.

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)

March 14, 2012

(Decision Dated & Mailed)

871 IAC 24.26(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Rodney Jones filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated September 28, 2011, reference 05, finding Jones was ineligible for unemployment insurance benefits effective September 25, 2011 because IWD mailed Jones a notice to report to attend reemployment services orientation on September 27, 2011 and he did not report.

On February 24, 2012, IWD transmitted the case to the Department of Inspections and Appeals to schedule a contested case hearing. When IWD transmitted the case, it mailed a copy of the administrative file to Jones.

A contested case hearing was scheduled for March 13, 2012. Jones 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 Jones a Notice to Report to attend reemployment services orientation on September 27, 2011. Jones did not attend reemployment services orientation or call to say he could not attend reemployment services orientation.

IWD sent Jones a decision dated September 28, 2011, finding he was ineligible for unemployment insurance benefits effective September 25, 2011 because IWD mailed him a notice to report to attend reemployment services orientation on September 27, 2011 and he failed to attend.

After IWD locked his claim Jones contacted IWD and reported he had moved. Jones did not report his new address prior to his call to IWD on October 3, 2011. Jones attended reemployment services orientation on October 4, 2011 and IWD unlocked his claim.

In his appeal letter Jones reported he did not receive the notice to report to attend reemployment services orientation.

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

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.6(6).

⁴ *Id.*

consider adequate justification in view of the paramount importance of reemployment to the claimant.”⁵

Jones failed to attend reemployment services orientation on September 27, 2011. Jones has moved frequently. When he contacted IWD on October 3, 2011, Jones reported he lived at a new address. Jones did not appear at hearing to testify under oath when he reported his new address to IWD. He has not established justifiable cause for failing to participate in reemployment services.

DECISION

IWD correctly determined Jones did not establish justifiable cause for failing to participate in reemployment services, and its decision dated September 28, 2011 is affirmed.

hlp

⁵ *Id.* 24.6(6)a.