

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

**Appeal Number: 13IWDUI440**  
**OC: 1/13/13**  
**Claimant: Appellant**

**DECISION OF THE ADMINISTRATIVE LAW JUDGE**

**KASEY ANDERSON**  
**1504 MARSHALL STREET**  
**BOONE, IA 50036**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMPLOYMENT SERVS. COORDINATOR**  
**SHARLYN SEIVERT & LORI ARANDUS**  
**& ALAN MUNTZ**

TERESA K. HILLARY, IWD  
JONI BENSON, 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, 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)

January 29, 2014

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(Decision Dated & Mailed)

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**STATEMENT OF THE CASE**

Kasey Anderson (Anderson or Claimant) filed an appeal from a decision issued by Iowa Workforce Development (the Department) finding that Anderson was ineligible to receive unemployment insurance benefits because he failed to participate in reemployment services. The case was transmitted from Workforce Development to the Department of Inspections and Appeals to schedule a contested case hearing.

A Notice of Telephone Hearing was mailed to all parties on October 2, 2013. On October 23, 2013, a telephone appeal hearing was held before Administrative Law Judge Martin Francis. Workforce advisor Alan Muntz (Muntz) called to the telephone conference number to represent the Department, standing in for workforce advisor Lori Arandus who had dealt with the claimant, and offered testimony.

The hearing file was offered by the Department which included the notice of hearing; the transmittal slip; a claimant account printout; Anderson' written letter of appeal; and the unemployment insurance decision subject of the appeal. The file contents were admitted into the record.

Anderson was provided instructions to participate in the hearing, but did not call in to do so. The hearing was held in his absence and was entered on the documents in evidence and the testimony of Muntz.

### **ISSUE**

Whether the Department correctly determined Anderson was ineligible to receive unemployment insurance benefits.

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

### **FINDINGS OF FACT**

Anderson filed a claim for unemployment insurance benefits with an effective date of January 13, 2013. On August 12, 2013, Arandus had an REA (Reemployment Eligibility Assessment) appointment with Anderson and he was scheduled for a RES (Reemployment Service) orientation on September 9, 2013. Anderson did not attend the appointment. Anderson's unemployment claim was then locked. (Testimony of Muntz)

On September 11, 2013, the Department issued a decision disqualifying Anderson from receiving unemployment insurance benefits effective September 8, 2013, because of his failure to report for the appointment on September 9, 2013. The decision informed Anderson the decision would become final unless Anderson sent an appeal postmarked by September 21, 2013, or it was delivered to the Department's Appeal Section by that date. (Testimony of Muntz; Department decision of September 11, 2013; claimant account printout)

Anderson appealed the decision by letter received by the Department on September 12, 2013. In his appeal letter Anderson wrote he did not recall being informed of the orientation appointment but he would be available for the next available orientation. Anderson subsequently attended the next orientation and his benefits were reopened and have since been exhausted. (Anderson appeal letter; Testimony of Muntz)

### **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>

On the evidence in the record it is reasonable to find that the Department decision to deny Anderson unemployment insurance benefits because he did not provide justifiable excuse for failing to attend a qualifying event was proper. The record also reflects the interruption of benefits was for only one week and Anderson received all benefits for which he was qualified. The Department’s decision must be sustained.

### **DECISION**

IT IS THEREFORE ORDERED that Iowa Workforce Development decision dated September 11, 2013, denying the Claimant benefits is **SUSTAINED**.

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