

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

PAMELA KINCAID
1431 SIERRA DRIVE NE
CEDAR RAPIDS, IA 52402

IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR
430 EAST GRAND AVE.
DES MOINES, IA 50309

JONI BENSON, IWD

Appeal Number: 15IWDUI038

OC: 10/26/14

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)

February 27, 2015

(Decision Dated & Mailed)

STATEMENT OF THE CASE

The Appellant, Pamela Kincaid, filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated January 13, 2015, reference 01. IN this decision, the Department determined that the Appellant was ineligible to receive unemployment insurance benefits effective January 4, 2015 because she failed to report for a reemployment and eligibility assessment.

This case was transmitted from Iowa Workforce Development to the Department of Inspections and Appeals on January 27, 2015 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on January 28, 2015. On February 26, 2016, a telephone appeal hearing was held before Administrative Law Judge Kristine Dreckman. Carol Duggan appeared on behalf of the Department and presented testimony. Appellant also appeared self-represented and presented testimony.

ISSUES

Whether the Department correctly determined the claimant is ineligible to receive unemployment insurance benefits; and

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

FINDINGS OF FACT

The Appellant filed a claim for unemployment insurance benefits on October 26, 2014. She was scheduled to attend a reemployment and eligibility assessment workshop on December 26, 2014. The Appellant contacted the Department to reschedule. On December 10, 2014, she met with Department worker Carol Duggan. At that time, she agreed to attend a reemployment services workshop on December 16, 2014. The Appellant was also hand-delivered a confirmation of her registration to complete a National Career Readiness Assessment on January 6, 2015 in Cedar Rapids, Iowa. (Notice of Decision; Duggan Testimony, Workshop Registration dated 12/10/14).

The Appellant did not appear for the January 6, 2015 appointment. The Department issued a Notice of Decision denying the Appellant benefits as of January 4, 2015 for her failure to attend. The Appellant subsequently left a voicemail for Duggan during the week of January 18, 2015. Duggan immediately returned the phone call and left the Appellant a message. The parties traded a number of phone messages until they finally made contact and scheduled the Appellant to attend another National Career Readiness Assessment on February 4, 2015. (Duggan Testimony).

The Appellant attended the appointment at that time. Therefore, the Duggan determined her unemployment benefits should be reinstated as of the week January 18, 2015, when the Appellant originally contacted her to reschedule. Therefore, the Department determined the Appellant was ineligible to receive benefits for only two weeks: the week of January 4, 2015 and the week of January 11, 2015. (Duggan Testimony).

The Appellant acknowledged that she met with Duggan on December 10, 2015. She was given a lot of paperwork at that time, and simply overlooked the document regarding the National Career Readiness Assessment appointment. She was never mailed another notice regarding that appointment. When she received the Department's January 13, 2015 notice, it stated that she was mailed a notice about an appointment and she failed to attend. She never received anything in the mail about an appointment on January 6, 2015 and was confused. (Kincaid Testimony).

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

It is undisputed that the Appellant missed her scheduled appointment on January 6, 2015. She stated she simply overlooked the requirement for her to attend. The undersigned has no reason to doubt that the Department's requirements and documents could be confusing at times; however, that does not establish justifiable cause for failing to participate as required.

Iowa Workforce Development's decision dated January 13, 2015, reference 01, is **AFFIRMED**. The Department shall take any action necessary to implement this decision.

kmd

¹ 871 Iowa Administrative Code (IAC) 24.6.