

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

Appeal Number: 12IWDUI306

OC: 10/02/11

Claimant: Appellant (2)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

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.

**QUENTIN W. LEE
806 SE 2ND STREET
ANKENY IA 50021-3314**

STATE CLEARLY

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

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

(Administrative Law Judge)

September 28, 2012

(Decision Dated & Mailed)

STATEMENT OF THE CASE

Quentin W. Lee filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated June 18, 2012, reference 01. In this decision, the Department determined that Mr. Lee was ineligible to receive unemployment insurance benefits effective June 10, 2012 because he failed to participate in a reemployment and eligibility assessment as requested.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on August 10, 2012 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on August 21, 2012. On September 20, 2012, a telephone appeal hearing was held before Administrative Law Judge John M. Priester. Reemployment and eligibility assessment specialist Heather Semke represented the Department and presented testimony. Appellant Quentin Lee appeared and presented testimony. The administrative file was admitted into the record as evidence.

ISSUE

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

FINDINGS OF FACT

Quentin Lee filed a claim for unemployment insurance benefits with an effective date of October 2, 2011. The Department's electronic records system shows that on May 24, 2012, a notice was mailed to Mr. Lee scheduling him to attend a reemployment and eligibility assessment on June 13, 2012 at 2:30 PM.

Mr. Lee did not appear for the assessment on June 13, 2012, nor did the Department receive any phone call or other contact from Mr. Lee requesting to reschedule the assessment. As a result, the Department issued a decision dated June 18, 2012 denying benefits to Mr. Lee effective June 10, 2012 based on his failure to attend the assessment.

Mr. Lee appealed the Department's decision, asserting in his appeal letter that he had not received any letter scheduling him to attend the June 13, 2012 assessment. At hearing, Mr. Lee reiterated that he had not received any document from the Department indicating he was scheduled to attend a reemployment assessment on June 13, 2012. Had he received such a letter, Mr. Lee testified, he would have attended the appointment.

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.¹

Mr. Lee presented credible testimony at hearing that he did not receive the Department's notice scheduling him for a reemployment assessment on June 13, 2012. The Department does not keep copies of the scheduling notices that are sent out to individuals regarding reemployment services assessments. The Department's representative testified at hearing that the Department's electronic records system reflects that a notice was mailed to Mr. Lee on May 24, 2012 at his current address. Mr. Lee's testimony is credible that he did not receive the notice. Failure to receive notification of the reemployment services appointment constitutes justifiable cause for failing to participate in the assessment.

¹ 871 Iowa Administrative Code (IAC) 24.6.

DECISION

Iowa Workforce Development's decision dated June 18, 2012, reference 01, is REVERSED. The Department shall take prompt steps to issue benefits to Mr. Lee retroactive to June 10, 2012, provided he was otherwise eligible. The Department shall take any further steps necessary to implement this decision.

jmp