

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

Appeal Number: 14IWDUI359
OC: 10/19/14
Claimant: Appellant (2)

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.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

MACKENZIE L. MEEKER
16310 W 7th Street
Cedar Falls, IA 50613-2342

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR
LORI ADAMS & VELMA SALLIS**

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.

JONI BENSON, IWD

(Administrative Law Judge)

February 27, 2015

(Decision Dated & Mailed)

Iowa Administrative Code 871 IAC 24.6 – Reemployment services participation

STATEMENT OF THE CASE

Mackenzie L. Meeker (Ms. Meeker or Claimant) filed an appeal from a decision issued by Iowa Workforce Development (IWD) dated December 8, 2014. In this decision, IWD determined that Ms. Meeker was ineligible to receive unemployment insurance benefits effective November 30, 2014, because she failed to report for a re-employment assessment appointment. The case was transmitted from IWD to the Department of Inspections and Appeals to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on December 23, 2014.

On January 20, 2014, a telephone appeal hearing was held before Administrative Law Judge Martin Francis. Workforce Advisor Assigned to Reemployment Assessment Velma Sallis (Sallis) appeared for IWD. Ms. Meeker also called in to the telephone

conference number to participate and represented herself. Both offered testimony on the record.

The hearing file had been offered by IWD and included the notice of hearing, the transmittal slip, low appeal case information printout, IWD statement of fact/decision worksheet, the unemployment insurance decision, and Ms. Meeker's written request for appeal. Also received was an REA Appeals appeal summary transmitted by e-mail by Ms. Sallis with was a copy of a "notice to report" addressed to Ms. Meeker for a reemployment and eligibility assessment and another copy of the fact/decision worksheet. The hearing file and REA appeal summary document are all admitted into the record.

ISSUE

Whether IWD correctly determined the Claimant is ineligible to receive unemployment insurance benefits and whether IWD correctly determined that the Claimant did not establish justifiable cause for failing to participate in reemployment services.

FINDINGS OF FACT

Ms. Meeker filed a claim for unemployment insurance benefits with an effective date of October 19, 2014. On November 10, 2014, IWD issued Ms. Meeker a notice to report to the Waterloo office for a re-employment and eligibility assessment appointment on December 1, 2014 at 11:15 a.m. The day of the appointment the Appellant could not find the letter and called to the Waterloo office and spoke to the switchboard operator asking for her appointment time. She was told she was scheduled for a Reemployment Services Class at 9:00 a.m. with Bill Fee. Ms. Meeker attended the class in its entirety. Ms. Meeker did not call for or attend the REA appointment. (Testimony of Ms. Sallis and Ms. Meeker; claimant account printout; notice to report; Ms. Meeker's appeal letter)

On December 8, 2014, IWD issued a decision disqualifying Ms. Meeker from receiving unemployment insurance benefits effective November 30, 2014, because of her failure to report for a re-employment and eligibility assessment on December 1, 2014. Ms. Meeker entered a timely appeal. (IWD decision of October 17, 2014)

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 IWD 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. (See, 871 Iowa Administrative Code (IAC) 24.6

At hearing Ms. Sallis confirmed that Ms. Meeker had attended the RES class on December 1 which she would have been assigned to attend after the REA appointment and properly showing ID, a resume, and a work search record. When asked by the writer of this opinion if Ms. Meeker could get credit for her attendance at the RES class such that her account could be opened retroactive to the time it was locked, Ms. Sallis indicated that was not a decision she wanted to make without consulting with the REA Coordinator. But Ms. Sallis indicated under new federal requirements the Appellant would still have to attend the REA appointment before her account could be unlocked. Ms. Sallis agreed that the record could be held open a week for her to consult on that request.

On January 22 the writer of this opinion received a voice-mail message from Ms. Sallis that Ms. Meeker's benefits would be paid retroactively.

On the evidence in the record it is reasonable to find that the Claimant, Ms. Meeker, has shown good cause for her failure to attend the re-employment eligibility assessment appointment that would have allowed her to receive benefits as of the week of November 30, 2014, provided that she attended an REA appointment at the earliest opportunity. On that evidence it is reasonable to find her file should be reopened and her benefits restored to that date on that condition.

DECISION

IT IS THEREFORE ORDERED that the Iowa Workforce Development's decision dated December 8, 2014 is **REVERSED**, provided that the Appellant has attended a Reemployment Eligibility Assessment appointment. If this decision becomes final the Department shall take whatever action is necessary.

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