

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**RYAN LOEFFELHOLZ**  
**8615 LONG MEADOW DRIVE**  
**JOHNSTON, IA 50131**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMPLOYMENT SERVS. COORDINATOR**  
**SHANLYN SEIVERT & THERESA GLICK**

JOE WALSH, IWD  
CARLA DENNIS, IWD

**Appeal Number: 12IWDUI138**  
**OC: 04/03/11**  
**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, 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)

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April 12, 2012

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(Decision Dated & Mailed)

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871 IAC 24.26(6) – Reemployment Services

**STATEMENT OF THE CASE**

Claimant/Appellant Ryan Loeffelholz appealed a decision issued by Iowa Workforce Development (“IWD”), reference 01, dated February 1, 2012, finding he is ineligible to receive unemployment insurance benefits as of January 29, 2012 because he failed to attend reemployment services orientation on January 30, 2012.

On March 23, 2012, IWD transmitted the administrative file to the Department of Inspections and Appeals to schedule a contested case hearing. When IWD transmitted the file, it mailed a copy of the administrative file to Loeffelholz. On March 28, 2012, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested case hearing for April 11, 2012.

On April 11, 2012, a contested case hearing was held before Administrative Law Judge Heather L. Palmer. Loeffelholz appeared and testified. Theresa Glick appeared and testified on behalf of IWD. Exhibits 1 through 8 were admitted into the record.

### **ISSUE**

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

### **FINDINGS OF FACT**

IWD selected Loeffelholz to participate in its reemployment services program. IWD sent Loeffelholz an Initial Notice to Report on January 13, 2012 to attend reemployment services on January 30, 2012. Loeffelholz acknowledged he received the January 13, 2012 Initial Notice to Report before January 30, 2012.

Loeffelholz did not attend reemployment services on January 30, 2012. Loeffelholz testified he was confused by the January 13, 2012 Initial Notice to Report. Loeffelholz reported he attended reemployment services orientation in the past and did not believe he needed to attend a second time. He did not contact IWD to inquire whether he needed to attend reemployment services.

### **REASONING AND CONCLUSIONS OF LAW**

IWD and the Department of Economic Development jointly provide a reemployment services program.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in reemployment services.<sup>4</sup> "Justifiable cause for failure to participate 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."<sup>5</sup>

Loeffelholz did not attend reemployment services on January 30, 2012. Loeffelholz testified he believed he did not have to attend because he had participated in

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<sup>1</sup> 871 IAC 24.6(1).

<sup>2</sup> *Id.* 24.6(3).

<sup>3</sup> *Id.* 24.6(6).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* 24.6(6)a.

reemployment services in the past. He did not contact IWD to inquire whether he needed to attend. Loeffelholz has not established justifiable cause for failing to participate in reemployment services. IWD's decision should be affirmed.

### **DECISION**

IWD correctly determined Loeffelholz did not establish justifiable cause for failing to participate in reemployment services, and its decision dated February 1, 2012, reference 01, is AFFIRMED.

hlp