

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**LYNETTE BUTTS**  
**1814 16<sup>TH</sup> ST**  
**DES MOINES, IA 50314**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMPLOYMENT SERVS. COORDINATOR**  
**LORI ADAMS & MARCIA FINK**

TERESA HILLARY, IWD  
JONI BENSON, IWD

**Appeal Number: 14IWDUI343**  
**OC: 08/24/14**  
**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, 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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December 30, 2014

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(Decision Dated & Mailed)

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871 IAC 24.2(1)e – Reemployment Services

**STATEMENT OF THE CASE**

Claimant/Appellant Lynette Butts appealed a decision issued by Iowa Workforce Development (“IWD”), dated November 21, 2014, reference 03, finding she was ineligible to receive unemployment insurance benefits as of November 16, 2014 because IWD mailed her a notice to report to attend a reemployment and eligibility assessment on November 17, 2014 and she failed to report.

On December 2, 2014, 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 Butts. A Notice of Telephone Hearing was issued on December 12, 2014, scheduling a contested case hearing for December 22, 2014.

On December 22, 2014 a contested case hearing was held before Administrative Law Judge Heather Palmer. Butts appeared and testified. Marcia Fink appeared and testified on behalf of IWD. Exhibits 1 and 2 were admitted into the record.

### **ISSUE**

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

### **FINDINGS OF FACT**

IWD selected Butts to participate in its reemployment services program. Fink testified IWD mailed Butts a notice to report to attend a reemployment and eligibility assessment on November 17, 2014.

IWD issued a decision on November 21, 2014, reference 03, finding Butts was ineligible to receive unemployment insurance benefits as of November 16, 2014 because IWD mailed her a notice to report to attend a reemployment and eligibility assessment on November 17, 2014 and she failed to report. Butts appealed.

Butts testified she did not receive the notice to report. IWD did not produce the notice to report at hearing. Fink could not confirm the date the notice to report was sent.

### **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>

In order to maintain continuing eligibility for benefits, an individual is required to report to IWD as directed.<sup>3</sup> Specifically, 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>4</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>5</sup> "Justifiable cause for failure to participate is an important and

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

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

<sup>3</sup> *Id.* 24.2(1)e.

<sup>4</sup> *Id.* 24.6(6).

<sup>5</sup> *Id.*

significant reason which a reasonable person would consider adequate justification in view of the paramount importance of reemployment to the claimant.”<sup>6</sup>

Butts testified she did not receive notice to report for the November 17, 2014 appointment. Fink could not confirm when the notice to report was sent. IWD did not produce a copy of the notice to report at hearing. I conclude Butts had justifiable cause for missing the November 17, 2014 appointment because she did not receive the notice to report. IWD’s decision is reversed.

### **DECISION**

IWD’s decision, dated November 21, 2014, reference 03, is REVERSED.

hlp

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