

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

**Appeal Number: 13IWDUI078**  
**OC: 05/13/12**  
**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.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**TAMMY SIMPSON**  
**315 N LINCOLN ST**  
**OSCEOLA, IA 50213-1132**

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT**  
**REEMPLOYMENT SERVS. COORDINATOR**  
**SHANLYN SEIVERT & LORI ARANDUS**

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  
JONI BENSON, IWD

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(Administrative Law Judge)

March 20, 2013

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(Decision Dated & Mailed)

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871 IAC chapter 24 – Reemployment Services

### **STATEMENT OF THE CASE**

Claimant/Appellant Tammy Simpson appealed a decision issued by Iowa Workforce Development (“IWD”), dated December 14, 2012, reference 01, finding she was ineligible to receive unemployment insurance benefits as of December 9, 2012 because she was mailed a notice to report to attend a reemployment and eligibility assessment on December 11, 2012, and she failed to report.

On February 12, 2013, 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 Simpson. On February 15, 2013, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested case hearing for March 18, 2013.

On March 18, 2013, a contested case hearing was held before Administrative Law Judge Heather L. Palmer. Simpson did not appear as directed by the Notice of Telephone Hearing. Lori Arandus appeared and testified on behalf of IWD. Exhibits 1 through 4 were admitted into the record.

### **ISSUES**

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

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 Simpson to participate in its reemployment services program. IWD mailed Simpson a Notice to Report to attend a reemployment and eligibility assessment on December 11, 2012 at 12:00 p.m. Arandus testified Simpson did not attend the appointment or contact IWD prior to the appointment. IWD issued the decision dated December 14, 2012, reference 01, finding she was ineligible to receive unemployment insurance benefits as of December 9, 2012 because she was mailed a notice to report to attend a reemployment and eligibility assessment on December 11, 2012, and she failed to appear.

On December 17, 2012, Simpson called Arandus. Arandus agreed to reschedule Simpson for December 18, 2012. Simpson did not attend the appointment.

### **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

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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).

reemployment services.<sup>5</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>6</sup>

Simpson did not attend the reemployment and eligibility assessment on December 11, 2012. Simpson did not attend the hearing to testify why she missed the appointment. She has not established justifiable cause for failing to participate in reemployment services. IWD’s decision should be affirmed.

### **DECISION**

IWD correctly determined Simpson did not establish justifiable cause for failing to participate in a reemployment and eligibility assessment on December 11, 2012, and its decision dated December 14, 2012, reference 01, is AFFIRMED.

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

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