

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

Appeal Number: 11IWDUI146
OC: 6/6/10
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

CURTIS D. ROBBINS
2026 ANSBROUGH AVENUE
WATERLOO, IA 50701-3716

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT
430 EAST GRAND AVENUE
DES MOINES IA 50319-0209

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)

July 28, 2011

(Decision Dated & Mailed)

871 IAC 24.26(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant Curtis Robbins appealed from a decision issued by Iowa Workforce Development (“IWD”) dated April 1, 2011, reference 03, which determined that Mr. Robbins was not eligible to receive unemployment insurance benefits from March 27, 2011 through April 9, 2011, because he failed to provide justifiable cause for failing to participate in reemployment services.

IWD transmitted the cases to the Department of Inspections and Appeals on June 10, 2011, to schedule a contested case hearing. A Notice of Telephone Hearing was issued on June 15, 2011, scheduling a hearing for July 27, 2011.

On July 27, 2011, this matter proceeded to a hearing before Administrative Law Judge Robert H. Wheeler. Claimant Curtis Robbins appeared pro se and testified. Debra Hodges Harmon appeared and testified on behalf of IWD. Documents 1 through 3 entered the record without objection.

ISSUES

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

FINDINGS OF FACT

Mr. Robbins was notified in writing noticed to attend reemployment services on March 21, 2011. He did not attend. IWD sent Mr. Robbins a second notice to attend reemployment services on March 31, 2011. He did not attend. Both of the notices sent to Mr. Robbins contained language advising him that failure to attend could result in disqualification from benefits. (Exhibit 3; Harmon testimony).

On April 1, 2011, IWD issued a decision finding Mr. Robbins was ineligible to receive unemployment insurance benefits from March 27, 2011 through April 9, 2011, because he had not established justifiable cause for failing to participate in reemployment services. (Exhibit 2).

Mr. Robbins testified that his father had been assaulted and badly injured. His father's injuries required hospitalization around March 18, 2011, which lasted approximately two weeks. Mr. Robbins testified that he spent a lot of time out of town caring for his father, and did not return until April, after missing both scheduled reemployment services sessions. He further testified that he tried to call to reschedule reemployment services. (Exhibit 1; Robbins testimony).

REASONING AND CONCLUSIONS OF LAW

IWD and the Department of Economic Development jointly provide a reemployment services program. 871 IAC 24.6(1). 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. 871 IAC 24.6(3).

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. 871 IAC 24.6(6). Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in reemployment services. "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.” 871 IAC 24.6(6)(a).

The record established that Mr. Robbins failed to attend reemployment services on two occasions. The record did, however, contain evidence of good cause for his failure to attend. A reasonable person would consider caring for a parent who was seriously injured to be important and significant. These circumstances do constitute justifiable cause as defined in 871 IAC 24.6(6)(a), and the IWD decision must be reversed.

DECISION

IWD’s decision dated April 1, 2011, reference 03, finding Curtis Robbins ineligible for unemployment insurance benefits from March 27, 2011, through April 9, 2011, because he did not provide justifiable cause for failure to participate in reemployment services, is REVERSED.

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