

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

**Appeal Number: 16IWDUI178**  
**OC: 4/24/16**  
**Claimant: Appellant (2)**

**DECISION OF THE ADMINISTRATIVE LAW JUDGE**

**SHAWNA DEUELL**  
**6125 STARDUST DRIVE APT. 14**  
**WATERLOO, IA 50701**

**IOWA WORKFORCE DEVELOPMENT**  
**RONEE SLAGLE & VELMA SALLIS**

JONI BENSON, IWD  
NICHOLAS OLIVENCIA, IWD  
EMILY CHAFA, IWD

**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)

July 26, 2016

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(Decision Dated & Mailed)

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**STATEMENT OF THE CASE**

Shawna Deuell filed an appeal from a decision issued by Iowa Workforce Development (IWD) dated May 25, 2016 (reference 03). In this decision, IWD determined that Deuell was ineligible to receive unemployment insurance benefits effective May 22, 2016 because she failed to report for a reemployment and eligibility assessment.

The case was transmitted from IWD to the Department of Inspections and Appeals on June 21, 2016 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on June 28, 2016. On July 26, 2016, a telephone appeal hearing was held before Administrative Law Judge Laura Lockard. Workforce advisor Mila Baier represented IWD and presented testimony. An appeal summary along with Exhibits 1 through 6 were submitted by IWD and admitted into the record as evidence. Appellant Shawna Deuell appeared and presented testimony.

## **ISSUE**

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

## **FINDINGS OF FACT**

Shawna Deuell filed a claim for unemployment insurance benefits with an effective date of April 24, 2016. On May 12, 2016, IWD mailed Deuell a notice scheduling a reemployment and eligibility assessment for May 24, 2016. The notice was addressed as follows:

Shawna L Deuell  
Apt 146125 Stardust Dr  
Waterloo, IA 50701-0000

Deuell's correct address is Apt. 14, 6125 Stardust Drive, Waterloo, IA 50701. (Exh. 1, 4; Baier testimony).

Deuell did not appear for the reemployment and eligibility assessment on May 24, 2016. On May 25, 2016, IWD issued a decision disqualifying Deuell from receiving unemployment insurance benefits effective May 22, 2016 based on her failure to report for the May 24 reemployment and eligibility assessment. Deuell appealed the decision. (Exh. B, C; Hite testimony).

Deuell lives in an apartment building; she and her fiancée share an apartment. Her mailbox is in a group of 16 mailboxes for her block; each resident has a key for his or her specific mailbox. Deuell's fiancée typically checks their mailbox each day and he and Deuell go through the mail together on a daily basis. Deuell and her fiancée have had issues in the past with mail being incorrectly delivered. Deuell and four other residents took this issue as a group to their previous building manager. The manager assured the residents that she had addressed the issue with the postal service and for a while it seemed as if the issue had been resolved. Lately, Deuell has again experienced problems with mail not arriving to her. Deuell did not receive the letter that IWD mailed to her on May 12, 2016, therefore she was unaware of the May 24 assessment she was required to attend. In addition to this letter, Deuell recently had an issue where medication she ordered by mail was not delivered, necessitating that she have the prescription reissued by her health care provider. Once Deuell received the May 25 decision, she immediately contacted IWD to address the situation and figure out how she could resolve this issue. (Deuell testimony).

## **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 the Department 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.<sup>1</sup>

Deuell credibly testified at hearing that she did not receive the notice advising her to report for the May 24 reemployment and eligibility assessment. Deuell credibly testified that she and her fiancée check their mail each day and that she and other tenants in her complex have had difficulties with mail being misdelivered in the past. In addition to this background of mail issues that Deuell has experienced generally, IWD’s May 12 notice was addressed in a confusing fashion. The apartment number was listed first, followed by the street number, with no space between the apartment number and the street number. Under these circumstances, it appears that despite IWD sending the notice it did not arrive at Deuell’s residence.

I find that Deuell did not have notice of the May 24 reemployment and eligibility assessment. Failure to receive notice of the reemployment and eligibility assessment constitutes justifiable cause for failure to appear. The Department’s decision disqualifying Deuell from receiving benefits must be reversed.

### **DECISION**

Iowa Workforce Development’s decision dated May 25, 2016 (reference 03) is **REVERSED**. The Department shall take prompt steps to issue benefits to Shawna Deuell back to the date of disqualification, provided she was otherwise eligible. The Department shall take any additional action necessary to implement this decision.

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<sup>1</sup> 871 Iowa Administrative Code (IAC) 24.6.