

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

Appeal Number: 12IWDUI229

OC: 4/1/12

Claimant: Appellant (2)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

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.

**MEGAN D. OESTING
1400 WOOLRIDGE DRIVE
CORALVILLE IA 52241-3034**

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR
KEVAN IRVINE
430 EAST GRAND AVE.
DES MOINES, IA 50309**

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 31, 2012

(Decision Dated & Mailed)

STATEMENT OF THE CASE

Megan Oesting filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated May 14, 2012 (reference 01). In this decision, the Department determined that Ms. Oesting was ineligible to receive unemployment insurance benefits from May 9th to May 23rd because she did not establish justifiable cause for failing to participate in reemployment services during this time period.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on June 28, 2012 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on July 3, 2012. On July 31, 2012, a telephone appeal hearing was held before Administrative Law Judge John M. Priester. Workforce advisor Kevan Irvine represented the Department and presented testimony. Appellant Megan Oesting appeared and presented testimony. The administrative file was admitted into the record as evidence.

ISSUE

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

FINDINGS OF FACT

Megan Oesting filed a claim for unemployment insurance benefits with an effective date of April 1, 2012. On April 19, 2012, Ms. Oesting was sent notice to attend a reemployment services session on May 9, 2012. Ms. Oesting did not attend the session as required.

Ms. Oesting testified that she did not receive the notice directing her to attend the reemployment services orientation. Once she received the decision dated May 14, 2012 she immediately contacted the Department and rescheduled to the next open session on May 23, 2012. She attended that session and her benefits were then unlocked.

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.¹

The Department’s May 14, 2012 decision is reversed. Ms. Oesting testified she did not receive the notice for the reemployment services session. Her prompt actions once she received the decision is evidence that she takes her obligations seriously and would have attended the session if she had received notice. Lack of notice constitutes adequate justification for failure to participate in reemployment services.

DECISION

Iowa Workforce Development’s decision dated May 14, 2012, reference 01, is REVERSED. The Appellant established justifiable cause for failure to participate in reemployment services. The Department shall take prompt steps to issue the Appellant benefits for the time period from May 6, 2012 through May 23, 2012, provided she was otherwise eligible. The Department shall take any additional action necessary to implement this decision.

jmp

¹ 871 Iowa Administrative Code (IAC) 24.6.