

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

Appeal Number: 13IWDUI077
OC: 12/02/12
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, 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

SAMUEL WALDRON
1641 51ST STREET NE
CEDAR RAPIDS, IA 52402

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & ANN LEFLORE

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

(Administrative Law Judge)

March 26, 2013

(Decision Dated & Mailed)

871 IAC chapter 24 – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Samuel Waldron appealed a decision issued by Iowa Workforce Development (“IWD”), dated January 28, 2013, reference 01, finding he was ineligible to receive unemployment insurance benefits as of January 13, 2013 because he was mailed a notice to report to attend a reemployment and eligibility assessment on January 17, 2013, and he 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 Waldron. On February 15, 2013, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested case hearing for March 26, 2013 at 11:00 a.m.

On March 26, 2013, a contested case hearing was held before Administrative Law Judge Heather L. Palmer. Waldron did not appear as directed by the Notice of Telephone Hearing. Ann LeFlore appeared and testified on behalf of IWD. Exhibits 1 and 2 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 Waldron to participate in its reemployment services program. LeFlore testified on January 3, 2013, IWD mailed Waldron a Notice to Report to attend a reemployment and eligibility assessment on January 17, 2013. LeFlore reported Waldron did not attend the appointment or contact IWD prior to the appointment. IWD issued the decision dated January 28, 2013, reference 01, finding Waldron was ineligible to receive unemployment insurance benefits as of January 13, 2013 because he was mailed a notice to report to attend a reemployment and eligibility assessment on January 17, 2013, and he failed to report..

LeFlore testified that after receiving Waldron's appeal she tried contacting him and left messages for him. LeFlore reported Waldron did not return her messages.

REASONING AND CONCLUSIONS OF LAW

IWD and the Department of Economic Development jointly provide a reemployment services program.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.²

In order to maintain continuing eligibility for benefits, an individual is required to report to IWD as directed.³ 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.⁴ Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.2(1)e.

⁴ *Id.* 24.6(6).

reemployment services.⁵ “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.”⁶

Waldron did not attend the reemployment and eligibility assessment on January 17, 2013. Certainly a lack of notice would support Waldron’s claim for just cause. Unfortunately, Waldron did not attend the hearing to testify, under oath, why he missed the appointment. Waldron has not established justifiable cause for failing to participate in reemployment services. IWD’s decision should be affirmed.

DECISION

IWD correctly determined Waldron did not establish justifiable cause for failing to participate in a reemployment and eligibility assessment on January 17, 2013, and its decision dated January 28, 2013, reference 01, is **AFFIRMED**.

hlp

⁵ *Id.*

⁶ *Id.* 24.6(6)a.