

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**RHONDA EASTON
507 EMBASSY DRIVE
SERGEANT BLUFF, IA 51054**

**IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR &
JEAN HOLBROOK**

TERESA HILLARY, IWD

**Appeal Number: 14IWDUI212
OC: 5/4/14
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.

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.

(Administrative Law Judge)

August 29, 2014

(Decision Dated & Mailed)

STATEMENT OF THE CASE

Rhonda Easton filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated July 16, 2014 (reference 02). In this decision, the Department determined that Easton was ineligible to receive unemployment insurance benefits effective July 13, 2014 because she failed to participate in a reemployment and eligibility assessment.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on July 25, 2014 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on July 31, 2014. On August 28, 2014, a telephone appeal hearing was held before Administrative Law Judge Laura Lockard. Workforce advisor Jean Holbrook represented the Department and presented testimony. Exhibits A through F were submitted by the Department and admitted into

the record as evidence. Appellant Rhonda Easton appeared and presented testimony.

ISSUE

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

FINDINGS OF FACT

Rhonda Easton filed a claim for unemployment insurance benefits with an effective date of May 4, 2014. On June 12, 2014, the Department mailed Easton a Notice to Report requiring that she attend a reemployment and eligibility assessment on July 1, 2014 at 2:00 PM. (Exh. B, F).

Easton called workforce advisor Jean Holbrook on July 1, 2014, the day the reemployment assessment was scheduled, to inform Holbrook that she was at the airport headed to Dallas, Texas for a job interview with Lash Group to become a nurse educator. Easton asked if she could reschedule the assessment and Holbrook agreed. They agreed over the phone that the assessment would be rescheduled for July 15, 2014. On the same date, the Department sent out a new notice confirming the July 15 date. (Exh. A, C; Holbrook testimony).

On July 10, Easton was asked by Lash Group to come back to Dallas on July 14 for a second interview. Easton traveled to Dallas for the interview and was offered the job on July 15, while she was still in Dallas. She called Holbrook and left a message on July 15 informing her that she had accepted a position with Lash Group starting on July 28 and that she would be unable to attend the reemployment assessment. Easton traveled back to Iowa on July 16. (Exh. A; Easton testimony).

After Easton did not attend the July 15 reemployment assessment, the Department issued a decision dated July 16, 2014 disqualifying Easton from receiving benefits effective July 13, 2014 because of failure to report for the reemployment assessment. (Exh. F).

Easton attempted to call in unemployment claims for the weeks of July 26 and August 1, 2014, but the electronic claims reporting system had locked her out because of an issue related to her PIN. Easton was in Texas training for her new job during those weeks and got only one 30-minute and two 10-minute breaks during each day of training. She attempted to call the telephone number that the system directed her to after informing her she was locked out, but was unable to get through during the time periods that she had available to call without jeopardizing her new employment. (Easton 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.¹

Easton did not attend the July 15 reemployment assessment because she was in Texas for a second interview for a job with Lash Group. Easton was informed on the day of the assessment that she was being offered the position. Easton immediately called and left a message for Holbrook with this information. It is difficult to think of any cause more justifiable for failing to attend a program that is intended to offer assistance regarding reemployment than that an individual has already secured full-time employment. As she was in Texas for an interview on the same date and, as a result of that interview had secured full-time employment, Easton had justifiable cause for failing to attend the July 15 reemployment assessment. The Department’s decision must be reversed.

DECISION

Iowa Workforce Development’s decision dated July 16, 2014 (reference 02) is REVERSED. The Department shall take prompt steps to issue benefits to Rhonda Easton 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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¹ 871 Iowa Administrative Code (IAC) 24.6.