

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

ROGER BRADLEY
639 9TH STREET NW
ALTOONA, IA 50009-4233

IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR &
THERESA GLICK

JOE WALSH, IWD

Appeal Number: 12IWDUI040
OC: 10/30/11
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.

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)

February 28, 2012

(Decision Dated & Mailed)

STATEMENT OF THE CASE

Roger Bradley filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated December 14, 2011, reference 02. In this decision, the Department determined that Mr. Bradley was ineligible to receive unemployment insurance benefits effective December 11, 2011 because he failed to participate in a reemployment services orientation.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on January 17, 2012 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on January 18, 2012. On February 28, 2012, a telephone appeal hearing was held before Administrative Law Judge Laura Lockard. Workforce advisor Theresa Glick represented the Department and presented testimony. Exhibits A through C were submitted by the Department and

admitted into the record as evidence. The Appellant was provided instructions to participate in the hearing, but did not call in to do so. The hearing was held in his absence.

ISSUE

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

FINDINGS OF FACT

Roger Bradley filed a claim for unemployment insurance benefits with an effective date of October 30, 2011. (Exh. B). At some point after that date, the Department mailed Bradley a notice to participate in a reemployment services orientation on December 12, 2011. Mr. Bradley did not appear for the reemployment services orientation on December 12 and did not call either before or after the class to explain his absence. (Glick testimony).

On December 14, 2011, the Department issued a decision denying benefits to Mr. Bradley effective December 11, 2011 because of his failure to report for the December 12 orientation. (Exh. B).

Mr. Bradley filed an appeal of the Department's decision. The appeal letter does not provide any explanation for Mr. Bradley's failure to report for the workshop December 12, 2011. (Exh. A).

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

In this case, there is no information in the record regarding why Mr. Bradley failed to appear for the reemployment services orientation on December 12. Mr. Bradley did not make contact with the Department to discuss any issues with attending the orientation. Mr. Bradley's appeal letter addresses the type of job searches he is conducting and restrictions on the type of work he can perform, but there is no information regarding

¹ 871 Iowa Administrative Code (IAC) 24.6.

his failure to attend the reemployment services orientation.² Under these circumstances, the Department was correct in denying eligibility to Mr. Bradley effective December 11, 2011 based on his failure to attend the reemployment services orientation.

Mr. Bradley should be aware that he will continue to be blocked from receiving benefits until he completes a reemployment services orientation. Mr. Bradley can contact his local Workforce Development office in order to schedule the workshop.

DECISION

Iowa Workforce Development's decision dated December 14, 2011 is AFFIRMED. The Department shall take any action necessary to implement this decision.

lel

² I note as well that Mr. Bradley's appeal letter indicates that he is appealing another decision (reference 01). This decision was not included in the administrative file that was transmitted to the Department of Inspections and Appeals for hearing, nor was any information about this decision provided at hearing.