

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

Appeal Number: 15IWDUI263
OC: 07/28/15
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.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

MIRANDA MORRIS
138 DARIUS AVE.
RANGELY, CO 81648

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
RONEE SLAGLE & CAROL DUGGAN

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.

EMILY CHAFA, UI APPEALS MANAGER
NICHOLAS OLIVENCIA, IWD
JONI BENSON, IWD

(Administrative Law Judge)

August 26, 2015

(Decision Dated & Mailed)

871 IAC 24.2(1)e – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Miranda Morris appealed a decision issued by Iowa Workforce Development (“IWD”), dated July 28, 2015, reference 04, finding she was ineligible to receive unemployment insurance benefits as of July 19, 2015 because IWD mailed her a notice to report to attend a reemployment and eligibility assessment on July 22, 2015 and she failed to report.

On August 7, 2015, 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 Morris. A Notice of Telephone Hearing was issued on August 10, 2015, scheduling a contested case hearing for August 26, 2015.

On August 26, 2015 a contested case hearing was held before Administrative Law Judge Heather Palmer. Morris appeared and testified. Carol Duggan appeared and testified on behalf of IWD. Exhibits 1 through 5 were admitted into the record.

ISSUE

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 Morris to participate in its reemployment services program. IWD mailed Morris a Notice to Report to attend a reemployment and eligibility assessment on June 24, 2015. Duggan contacted Morris and told her she needed to reschedule the appointment and would send Morris a notice with the new appointment date.

Duggan testified IWD mailed a Rescheduled Initial Notice to Morris on July 7, 2015, scheduling an appointment for July 22, 2015. Morris denies receiving the Rescheduled Initial Notice.

IWD issued a decision on July 28, 2015, reference 04, finding Morris was ineligible to receive unemployment insurance benefits as of July 19, 2015 because IWD mailed Morris a notice to report to attend a reemployment and eligibility assessment on July 22, 2015 and she failed to report. Morris appealed.

Morris testified that she has secured employment in Colorado working for a community college. Morris moved to Colorado on July 31, 2015.

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

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.2(1)e.

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 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

Morris testified she did not receive the Rescheduled Initial Notice to report on July 22, 2015. I found Morris’s testimony to be reasonable and consistent with the other evidence I believe. I conclude Morris had justifiable cause for missing the July 22, 2015 appointment because she did not receive the Rescheduled Initial Notice. IWD’s decision is reversed.

DECISION

IWD’s decision, dated July 28, 2015, reference 04, is REVERSED.

hlp

⁴ *Id.* 24.6(6).

⁵ *Id.*

⁶ *Id.* 24.6(6)a.