

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

**Appeal Number: 11IWDUI288**  
**OC: 06/26/2011**  
**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, 4<sup>TH</sup> 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.

**DANIELLE SHANNON**  
**104 1/2 W. 4TH AVE.**  
**INDIANOLA, IA 50125**

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT**  
**REEMPLOYMENT SERVS. COORDINATOR**  
**SHANLYN SEIVERT**

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.

JOE WALSH, IWD

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.

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(Administrative Law Judge)

December 22, 2011

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(Decision Dated & Mailed)

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871 IAC 24.26(6) – Reemployment Services

### **STATEMENT OF THE CASE**

Claimant/Appellant Danielle Shannon appealed a decision issued by Iowa Workforce Development (“IWD”), reference 03, dated October 4, 2011 finding she was ineligible to receive unemployment insurance benefits because she failed to attend a reemployment and eligibility assessment on September 29, 2011.

IWD transmitted the administrative file to the Department of Inspections and Appeals on November 22, 2011, to schedule a contested case hearing. When IWD transmitted the file, it mailed a copy of the administrative file to Shannon. A contested case hearing was scheduled for December 14, 2011.

On December 14, 2011, a contested case hearing was held before Administrative Law Judge Heather L. Palmer. Shannon appeared. Lindy Peterson appeared on behalf of IWD. At the start of the hearing Shannon reported she had not received IWD's exhibits and that she had recently moved. Peterson agreed to make another copy of the exhibits and mail them to Peterson. The hearing was continued to December 22, 2011.

On December 22, 2011 a contested case hearing was held before Administrative Law Judge Heather L. Palmer. Shannon appeared and testified. Peterson appeared and testified. Exhibits 1 through 4 and Exhibit A were admitted into the record.

### **ISSUE**

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

### **FINDINGS OF FACT**

IWD selected Shannon to participate in its reemployment services program. At the time Shannon was living with her boyfriend in Osceola, Iowa. Peterson testified Shannon was mailed an appointment letter on August 17, 2011 to appear at IWD for reemployment services on September 29, 2011.

On August 25, 2011, Shannon reported a change of address to IWD. Shannon had been receiving mail at her boyfriend's grandmother's home in Osceola. Shannon changed her address to her mother's address at 304 5th Street in Milo.

Shannon did not attend the September 29, 2011 appointment. IWD locked her unemployment insurance benefits until she attended the appointment. Shannon contacted IWD on October 11, 2011, after she received the October 4, 2011 decision, reference 03, finding she was ineligible to receive unemployment insurance benefits. IWD rescheduled Shannon to attend an appointment on November 7, 2011.

Shannon testified she did not receive the August 17, 2011 letter. Shannon stated her boyfriend's grandmother would call her when a piece of mail was delivered to her home.

Peterson testified that Shannon would have been told about the appointment during an in-person meeting. Later in her testimony she indicated that Shannon did not attend the appointment. Peterson testified the August 17, 2011 appointment letter was not returned as undeliverable mail. The letter was not introduced as an exhibit at hearing. Peterson could not identify the address the letter was sent to.

### **REASONING AND CONCLUSIONS OF LAW**

IWD and the Department of Economic Development jointly provide a reemployment services program.<sup>1</sup> Reemployment services may include: (1) an assessment of the

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<sup>1</sup> 871 IAC 24.6(1).

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.<sup>2</sup>

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.<sup>3</sup> Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in reemployment services.<sup>4</sup> "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."<sup>5</sup>

Shannon testified she never received the appointment letter to attend the September 29, 2011 appointment. Peterson was not assigned to work with Shannon at the time IWD generated the letter. Peterson was unable to identify the address the letter was sent to. The letter was not produced at hearing. Shannon credibly testified that her boyfriend's grandmother would call her when mail was delivered to her home. Shannon did not receive notice of the September 29, 2011 appointment. IWD's decision should be reversed.

### **DECISION**

IWD's decision dated October 4, 2011, reference 03, is REVERSED.

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<sup>2</sup> *Id.* 24.6(3).

<sup>3</sup> *Id.* 24.6(6).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* 24.6(6)a.