

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

**Appeal Number: 13IWDUI398**  
**OC: 06/9/13**  
**Claimant: Appellant (1)**

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.

**ALEXIS A. JOHNSON**  
**5309 HWY 75 LOT 47**  
**SIOUX CITY, IA 51108**

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT  
REEMPLOYMENT SERVS. COORDINATOR  
SHANLYN SEIVERT & TONIA ABELL**

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.

JONI BENSON, IWD

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(Administrative Law Judge)

September 27, 2013

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(Decision Dated & Mailed)

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### **STATEMENT OF THE CASE**

Claimant/Appellant Alexis Johnson appealed a decision issued by Iowa Workforce Development ("IWD"), dated August 6, 2013, reference 05, finding Johnson was mailed a notice to report for reemployment eligibility assessment on August 2, 2013 and since she did not report benefits were denied as of July 28, 2013.

On August 27, 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 Johnson. The Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested case hearing for September 26, 2013.

On September 26, 2013, a contested case hearing was held before Administrative Law Judge David Lindgren. Johnson did not appear as directed by the Notice of Telephone Hearing. Tonia Abell appeared and testified on behalf of IWD. IWD's exhibits were admitted into the record.

### **ISSUE**

Whether IWD correctly determined the claimant is ineligible to receive unemployment insurance benefits.

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

### **FINDINGS OF FACT**

IWD scheduled Hickok to attend reemployment and eligibility assessment on August 2, 2013. Abell testified Young did not attend the appointment. IWD issued a decision dated August 6, 2013, reference 05, finding that Johnson did not report. It therefore denied benefits as of July 28, 2013.

According to her appeal letter, Johnson had applied for a job and cancelled the appointment, but then did not get the job. She was pregnant and did not think any employer would want to hire her.

### **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 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>

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

<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.

Johnson did not attend reemployment and eligibility assessment on August 2, 2013. It appears IWD used the proper address for the notice of this assessment. Johnson did not provide a legally adequate excuse or explanation for her absence at the hearing. IWD's decision should be affirmed.

**DECISION**

IWD correctly determined Johnson did not establish justifiable cause for failing to participate in reemployment services, and its decision dated August 2, 2013, reference 05, is AFFIRMED.

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