

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

Appeal Number: 13IWDUI362
OC: 03/23/13
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.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

ROBERT SOHL
307 E. 1ST STREET
VILLISCA IA 50864

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR &
SHANLYN SEIVERT & HEATHER SEMKE

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.

TERESA K. HILLARY, IWD

(Administrative Law Judge)

August 27, 2013

(Decision Dated & Mailed)

STATEMENT OF THE CASE

Robert Sohl filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated June 27, 2013, reference 04. In this decision, the Department determined that Mr. Sohl was ineligible to receive unemployment insurance benefits effective June 16, 2013 because he failed to participate in a reemployment and eligibility assessment on June 18, 2013.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on July 23, 2013 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on July 30, 2013. On August 26, 2013 at 3:30 p.m., a telephone appeal hearing was held before Administrative Law Judge John M. Priester. Workforce advisor Heather Semke represented the Department and presented testimony. The administrative file was admitted into the record as evidence. Mr. Sohl 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 Mr. Sohl did not establish justifiable cause for failing to participate in reemployment services.

FINDINGS OF FACT

Robert Sohl filed a claim for unemployment insurance benefits with an effective date of March 23, 2013. On May 16, 2013, the Department mailed Mr. Sohl a notice to attend a reemployment services appointment on May 14, 2013. Mr. Sohl contacted the Department prior to the start of the RES session and informed them that he was sick and unable to attend.

The RES orientation was rescheduled for June 18, 2013 at 1:30 p.m. Notice was mailed out on June 10, 2013 to Mr. Sohl. Mr. Sohl failed to attend the session and the Department notified him on June 27, 2013 that his unemployment benefits were going to be denied as of June 16, 2013 for missing the RES orientation on June 18. Mr. Sohl filed a timely appeal.

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. Sohl failed to appear for the reemployment session on June 18th.

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

DECISION

Iowa Workforce Development’s decision dated June 27, 2013 is **AFFIRMED**. The Department shall take any action necessary to implement this decision.

jmp

¹ 871 Iowa Administrative Code (IAC) 24.6.