

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

**Appeal Number: 12IWDUI004**  
**OC: 10/16/11**  
**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, 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.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**ROBERT HAKEMAN**  
**P.O. BOX 492**  
**SANBORN, IA 51248-0492**

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT**  
**REEMP. SERVICES COORDINATOR &**  
**ANN CONNER**

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.

JOE WALSH, IWD

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(Administrative Law Judge)

February 27, 2012

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(Decision Dated & Mailed)

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### **STATEMENT OF THE CASE**

Robert Hakeman filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated December 5, 2011, reference 01. In this decision, the Department determined that Mr. Hakeman was ineligible to receive unemployment insurance benefits effective November 27, 2011 because he failed to report for a reemployment services orientation.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on January 11, 2012 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on January 18, 2012. On February 23, 2012, a telephone appeal hearing was held before Administrative Law Judge Laura Lockard. Appellant Robert Hakeman appeared and presented testimony. Exhibits A through C were submitted by the Department and admitted into the record as

evidence. No representative from the Department appeared to participate in the hearing.

### **ISSUE**

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

### **FINDINGS OF FACT**

Robert Hakeman filed a claim for unemployment insurance benefits with an effective date of October 16, 2011. On December 5, 2011, the Department issued a decision disqualifying Hakeman from receiving unemployment insurance benefits effective November 27, 2011 because of an alleged failure to report for a reemployment services orientation on November 29, 2011. (Exh. B). Hakeman never received any notice from the Department scheduling him to attend a reemployment services orientation on November 29, 2011. (Hakeman testimony). There is no notice in evidence in this appeal.

As soon as Hakeman received the December 5, 2011 decision, he contacted Ann Conner at the Spencer, Iowa Workforce Development Office. He made arrangements to attend a reemployment services orientation the next day. Hakeman received a decision reinstating his benefits effective sometime in January, 2012. (Hakeman testimony).

### **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.<sup>1</sup>

The evidence in this case demonstrates that Hakeman did not receive notice of the November 29, 2011 reemployment services orientation. His failure to attend was a direct result of his failure to receive notice. Failure to receive notice of the reemployment services orientation certainly constitutes justifiable cause for failing to attend. Under these circumstances, the Department’s decision to disqualify Hakeman for unemployment insurance benefits effective November 27, 2011 was incorrect.

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<sup>1</sup> 871 Iowa Administrative Code (IAC) 24.6.

**DECISION**

The Department's decision dated December 5, 2011 is REVERSED. The Department shall take immediate steps to issue benefits to Robert Hakeman retroactive to November 27, 2011, provided he was otherwise eligible. The Department shall also take any additional action necessary to implement this decision.

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