

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**JODIE ROWEDDER
71 MAY STREET
MANNIG, IA 51455**

**IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR &
BILL MYERS**

JODI BENSON, IWD

**Appeal Number: 14IWDUI335
OC: 9/14/14
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.

STATE CLEARLY

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.

(Administrative Law Judge)

December 31, 2014

(Decision Dated & Mailed)

STATEMENT OF THE CASE

Jodie Rowedder filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated October 31, 2014 (reference 02). In this decision, the Department determined that Rowedder was ineligible to receive unemployment insurance benefits effective October 26, 2014 because she failed to participate in a reemployment services orientation.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on November 17, 2014 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on November 18, 2014. On December 30, 2014, a telephone appeal hearing was held before Administrative Law Judge Laura Lockard. Workforce advisor Bill Myers represented the Department and presented testimony. Exhibits A through D were submitted by the Department and

admitted into the record as evidence. Appellant Jodie Rowedder appeared and presented testimony.

ISSUE

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

FINDINGS OF FACT

Jodie Rowedder filed a claim for unemployment insurance benefits with an effective date of September 14, 2014. On October 2, 2014, the Department mailed Rowedder a Notice to Report requiring that she report for a reemployment services orientation on October 27, 2014. (Exh. B, D).

Rowedder arranged a telephone interview with a potential employer, Keeton International, in Little Rock, Arkansas for October 27, 2014 at 8:00 AM. The interview was not scheduled until October 26, a Sunday. The interview lasted from 8:00 AM until approximately 10:00 AM. Rowedder was unable to call the Department office before the interview and did not think it would be prudent to put her interviewer on hold to contact the office after it opened that morning. She ultimately received a job offer from Keeton International. (Rowedder 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.¹

At the time of the scheduled reemployment orientation, Rowedder was on a telephone interview for a job which she was ultimately offered. The fact that her job interview precluded her from attending the reemployment services orientation constitutes justifiable cause. The Department’s decision must be reversed.

¹ 871 Iowa Administrative Code (IAC) 24.6.

DECISION

Iowa Workforce Development's decision dated October 31, 2014 (reference 02) is REVERSED. The Department shall take prompt steps to issue benefits to Jodie Rowedder back to the date of disqualification, provided she was otherwise eligible. The Department shall take any additional action necessary to implement this decision.