

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

Appeal Number: 13IWDUI026
OC: 11/18/12
Claimant: Appellant (1)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

BENJAMIN RUPP
100 MARKET STREET UNIT 403
DES MOINES, IA 50309

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & PATRICIA CHAVIS

Joni Benson, IWD

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)

March 15, 2013

(Decision Dated & Mailed)

STATEMENT OF THE CASE

Claimant/Appellant Benjamin Rupp appealed a decision issued by Iowa Workforce Development ("IWD"), dated December 27, 2012, reference 02, finding Rupp was mailed a notice to report for a reemployment services orientation on December 17, 2012 and since he did not report benefits were denied as of December 16, 2012.

On January 15, 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 Rupp. On January 24, 2013, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested case hearing for March 13, 2013.

On March 13, 2013, a contested case hearing was held before Administrative Law Judge Emily Kimes-Schwiesow. Rupp did not appear as directed by the Notice of Telephone Hearing. Patricia Chavis appeared and testified on behalf of IWD. Exhibits 1 through 4 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 scheduled Rupp to attend a reemployment services orientation on December 17, 2013. Chavis testified Rupp did not attend the appointment and did not call IWD before the appointment to reschedule. IWD issued a decision dated December 27, 2012, reference O2, finding Rupp was mailed a notice to report for reemployment and eligibility assessment on December 17, 2012 and since he did not report benefits were denied as of December 16, 2012. Rupp appealed.

According to his appeal letter, Rupp didn't attend the orientation because he had received two job offers. He explained that he knew he had secured employment and would not need the reemployment services orientation or unemployment compensation anymore.

REASONING AND CONCLUSIONS OF LAW

IWD and the Department of Economic Development jointly provide a reemployment services program.¹ 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.²

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

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.6(6).

⁴ *Id.*

⁵ *Id.* 24.6(6)a.

Rupp did not attend the reemployment services orientation on December 17, 2012. Rupp explained he did not attend the orientation because he determined he no longer was in need of the service. Rupp made no attempt to notify IWD that he would not attend. It is unclear why Rupp is appealing the decision to terminate benefits when his appeal letter indicates he did not attend the orientation because he did not need benefits. No further explanation has been provided by Rupp. IWD's decision should be affirmed.

DECISION

IWD correctly determined Davenport did not establish justifiable cause for failing to participate in reemployment services, and its decision dated December 27, 2012, reference 02, is AFFIRMED.

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