

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**TERRY SLOTA
20 MEADOW DRIVE
KINGSLEY, IA 51028**

**IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR &
TONIA ABELL**

TERESA HILLARY, IWD

Appeal Number: 13IWDUI451

OC: 7/21/13

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.

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)

October 28, 2013

(Decision Dated & Mailed)

STATEMENT OF THE CASE

Terry Slots filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated September 9, 2013 (reference 02). In this decision, the Department determined that Slota was ineligible to receive unemployment insurance benefits effective September 1, 2013 because he failed to participate in a reemployment and eligibility assessment.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on September 24, 2013 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on October 2, 2013. On October 25, 2013, a telephone appeal hearing was held before Administrative Law Judge Laura Lockard. Workforce advisor Tonia Abell represented the Department and presented

testimony. Exhibits A and B were submitted by the Department and admitted into the record as evidence. Appellant Terry Slota 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

Terry Slota filed a claim for unemployment insurance benefits with an effective date of July 21, 2013. On August 23, 2013, the Department mailed Slota a notice to report requiring that he attend a reemployment and eligibility assessment on September 6, 2013 at 12:30 PM. (Abell testimony).

On September 4, 2013, Slota contacted the Department's Sioux City office and stated that he would be starting a job on September 9, 2013. Slota was informed that he would still need to participate in the assessment. Slota stated that he would be unable to attend the September 6 appointment because he had taken his mother to Wisconsin to visit family. Slota did not attend the September 4 assessment. (Abell testimony).

On September 9, 2013, the Department issued a decision disqualifying Slota from receiving unemployment insurance benefits effective September 1, 2013 because of his failure to report for the September 6 reemployment assessment. Slota appealed the decision. (Exh. A, B).

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

Slota does not dispute that he was out of town on a personal vacation with his mother on September 4, the date that he was scheduled to attend the reemployment assessment. While Slota expressed an interest in rescheduling the assessment at a later date, his personal trip does not constitute justifiable cause for failing to attend the reemployment assessment.

¹ 871 Iowa Administrative Code (IAC) 24.6.

I note that in order for Slota to begin receiving benefits again – provided he is otherwise eligible – he must contact the Department in order to make an appointment to attend the reemployment assessment that he missed.

DECISION

Iowa Workforce Development's decision dated September 9, 2013 (reference 02), is **AFFIRMED**. The Department shall take any action necessary to implement this decision.