

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**JEREMIAH STORM**  
**7057 NE 110<sup>th</sup> AVENUE**  
**BONDURANT, IA 50035**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMPLOYMENT SERVS. COORDINATOR**  
**SHANLYN SEIVERT**  
**430 EAST GRAND AVENUE**  
**DES MOINES IA 50319-0209**

JOE WALSH, IWD  
JONI BENSON, IWD

**Appeal Number: 13IWDUI037**  
**OC: 11/18/12**  
**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, 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.

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.

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(Administrative Law Judge)

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March 7, 2013

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(Decision Dated & Mailed)

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871 IAC 24.26(6) – Reemployment Services

**STATEMENT OF THE CASE**

Claimant Jeremiah Storm appealed from a decision issued by Iowa Workforce Development (“IWD”) dated January 11, 2013, reference 02, in which IWD determined Mr. Storm was not eligible to receive unemployment insurance benefits as of January 6, 2012, because he failed to provide justifiable cause for failing to participate in reemployment services.

IWD transmitted the case to the Department of Inspections and Appeals on January 18, 2013, to schedule a contested case hearing. A Notice of Telephone Hearing was issued on January 24, 2013, scheduling a hearing for March 6, 2013.

On March 6, 2013, this appeal proceeded to a hearing before Administrative Law Judge Robert H. Wheeler. IWD did not present a witness, but provided the administrative file. The administrative file entered the record without objection. Claimant Jeremiah Storm failed to appear despite notice sent to his address of record, which is the same address that appears on the appeal request and to which the decision at issue was sent.

### **ISSUES**

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

### **FINDINGS OF FACT**

Mr. Storm was selected for participation in reemployment services and sent a written notice directing him to attend a reemployment services appointment on January 7, 2013. He did not attend. (administrative file).

On January 11, 2013, IWD issued a decision finding Mr. Storm was ineligible to receive unemployment insurance benefits as of January 6, 2013, because he had not established justifiable cause for failing to participate in reemployment services. This appeal followed in a timely manner. (administrative file).

Mr. Storm did not appear for the hearing and did not testify. His appeal letter did not dispute his failure to appear for reemployment services on January 7, 2013, and explained his absence due to his vacation. Mr. Storm also wrote that he received a telephone call on January 7, 2013, hiring him for a new job. (administrative file).

### **REASONING AND CONCLUSIONS OF LAW**

IWD and the Department of Economic Development jointly provide a reemployment services program. 871 IAC 24.6(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. 871 IAC 24.6(3).

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. 871 IAC 24.6(6). Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in reemployment services. "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." 871 IAC 24.6(6)(a).

The record established that Mr. Storm failed to attend reemployment services. The record did not contain evidence of good cause for his failure to attend. His absence due to vacation does not explain his failure to call to re-schedule the appointment. These circumstances do not constitute justifiable cause as defined in 871 IAC 24.6(6)(a), and the IWD decision must be affirmed.

**DECISION**

IWD's decision dated January 11, 2013, reference 02, denying eligibility for unemployment insurance benefits because the claimant failed to establish justifiable cause for failure to attend reemployment services, is AFFIRMED.

rhw