

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

ANTHONY KOSTER
264 N. STATE ROAD
LAKE VIEW, IA 51450

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & WILLIAM MYERS

JONI BENSON - IWD

Appeal Number: 13IWDUI517
OC: 8/18/13
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)

December 20, 2013

(Decision Dated & Mailed)

871 IAC 24.6(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Anthony Koster appealed a decision issued by Iowa Workforce Development (“IWD”), dated October 11, 2013, reference 03, finding Koster was mailed a notice to report for reemployment services orientation on October 7, 2013 and since he did not report benefits were denied as of October 6, 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 Koster. The Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested case hearing for December 20, 2013.

On December 20, 2013, a contested case hearing was held before Administrative Law Judge David Lindgren. Koster failed to appear and testify at the hearing. William Myers appeared and testified on behalf of IWD. IWD’s exhibits were admitted into the record.

ISSUES

Whether IWD correctly determined the claimant is ineligible to receive unemployment insurance benefits.

Whether IWD correctly determined that the claimant failed to meet the availability requirements by failing to report to your local workforce development center.

FINDINGS OF FACT

Myers testified that he originally scheduled Koster to attend a RES orientation on September 23, 2013. However, prior to that orientation, Koster called and left a message for Myers informing him that he could not attend because he had to take his dad to the hospital. Myers excused this absence based on the message.

IWD later scheduled Koster to attend a RES Orientation on October 7, 2013. Myers testified Koster did not attend the appointment and did not call IWD before the appointment to reschedule. IWD issued a decision dated October 11, 2013, reference 03, finding that Koster did not report. It therefore disqualified him from benefits as of October 6, 2013.

Koster did not appear for or testify at the hearing.

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

Myers did not attend the RES Orientation on October 6, 2013. He did not appear at the hearing to explain his absence. IWD correctly determined that he did not meet the availability requirement and that he is therefore ineligible for benefits.

DECISION

IWD correctly determined Koster did not establish justifiable cause for failing to participate in reemployment services, and its decision dated October 11, 2013, reference 03, is AFFIRMED.

dbl

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.6(6).

⁴ *Id.*

⁵ *Id.* 24.6(6) a.