

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

Appeal Number: 12IWDUI133

OC: 7/31/11

Claimant: Appellant (1)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

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.

JAMES M. LAMPE
526 NORTHWESTERN AVE
AMES IA 50010-5923

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
THERESA GLICK
REEMP. SERVICES COORDINATOR
430 EAST GRAND AVE.
DES MOINES, IA 50309

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.

JOE WALSH, IWD

(Administrative Law Judge)

April 19, 2012

(Decision Dated & Mailed)

STATEMENT OF THE CASE

James M. Lampe filed an appeal from a decision issued by Iowa Workforce Development (the Department). In the decision dated January 27, 2012, reference 03, the Department determined that Mr. Lampe was ineligible to receive unemployment insurance benefits from January 22, 2012 because he did not establish justifiable cause for failing to participate in reemployment services.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on March 23, 2012 to schedule a contested case hearing. The telephone hearing was held on April 10, 2012 before Administrative Law Judge John M. Priester. Workforce advisor Theresa Glick represented the Department and presented testimony. Appellant James M. Lampe appeared and presented testimony. The administrative file was admitted into the record as evidence.

ISSUE

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

FINDINGS OF FACT

James M. Lampe filed a claim for unemployment insurance benefits with an effective date of July 31, 2011. At some point the Department mailed Mr. Lampe a notice that informed him that he was required to participate in a reemployment services training on January 23, 2012. Mr. Lampe did not attend the January 23rd training.

Mr. Lampe testified that he attended a reemployment services session in August or September of 2011 and was told by an “older Black woman” who was employed by the Department that because he was a full time student at Iowa State University he did not have to attend a RES session. Furthermore, he testified that she told him that if he received any notices in the future to attend a RES session he should ignore those notices.

The Department notified Mr. Lampe that his benefits were going to be denied based upon his failure to attend the RES session on January 23, 2012. Mr. Lampe filed a timely appeal.

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

The only issue remaining in this case is whether the Department correctly denied benefits to Mr. Lampe because of a failure to participate in reemployment services training.

Mr. Lampe believed that he did not have to attend any RES sessions because he was a full time student. When the notice to attend the RES came he disregarded the notice—just as the employee told him to do.

¹ 871 Iowa Administrative Code (IAC) 24.6.

The undersigned finds that Mr. Lampe may have been told he did not have to attend the RES in August or September, but once he received the January notice he should have taken affirmative steps to verify that he was not required to attend the session. To simply ignore the notice is not reasonable and does not constitute justifiable cause for failure to participate in reemployment services. Accordingly, the Department's decision to deny Mr. Lampe unemployment insurance benefits is correct. He shall continue to be denied benefits until he completes the RES session or receives a written assurance that he does not need to attend the sessions.

DECISION

Iowa Workforce Development's decision dated January 27, 2012, reference 03, is AFFIRMED. The Department shall take any further action necessary to implement this decision.

jmp