

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

Appeal Number: 17IWDUI174
OC: 8/21/16
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.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

LEVI M. WILSON
612 FAIRCHILD ST.
CORALVILLE, IA 52241-2119

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
RONEE SLAGLE & ANN LEFLORE**

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.

JONI BENSON – IWD
NICHOLAS OLIVENCIA – IWD
EMILY CHAFA - IWD

(Administrative Law Judge)

December 23, 2016

(Decision Dated & Mailed)

871 IAC 24.6(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Levi Wilson appealed a decision issued by Iowa Workforce Development (“IWD”), dated November 7, 2016, reference 02, finding Wilson was mailed a notice to report for reemployment and eligibility assessment on November 2, 2016 and since he did not report benefits were denied as of October 30, 2016.

On December 22, 2016, a contested case hearing was held before Administrative Law Judge David Lindgren. Wilson appeared and testified. Ann LeFlore 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 did not establish justifiable cause for failing to participate in reemployment services.

FINDINGS OF FACT

Via a Notice to Report mailed on October 14, 2016, IWD scheduled Wilson to attend a Re-employment and Eligibility Assessment on November 2, 2016 in Iowa City, Iowa. The Notice stated in bold print that “failure to appear on the date and time listed below will result in the denial of unemployment insurance benefits.” It also required Wilson to contact IWD if he could not attend the appointment.

Wilson did not attend the November 2, 2016 assessment and IWD therefore issued a decision dated November 7, 2016, reference 02, finding that Wilson did not report. It therefore disqualified him from benefits as of October 30, 2016.

At the hearing on appeal from that disqualification, Wilson admitted that he had received the Notice to Report prior to the assessment, but that he simply could not find it. He only found it after he received the Notice of Decision disqualifying him from benefits. He further claimed that he could not find the mail because his roommates started putting the mail in a new place and that it “got lost in the shuffle.”

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.

Wilson did not attend the RES Orientation on November 2, 2016. He had received the notice in a timely fashion in the mail, but just could not find it. Unemployment benefits are an important matter and the fact that, allegedly, his roommates started putting the mail in a new spot, does not excuse his failure to secure and read the notice. This is not justifiable cause for missing the appointment.

DECISION

IWD correctly determined Wilson did not establish justifiable cause for failing to participate in the reemployment and eligibility assessment, and its decision dated November 7, 2016, reference 02, is **AFFIRMED**.

dbl