

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**DANIELLE SIKES-GILLUM
2902 KENDALLWOOD CIRCLE
DES MOINES, IA 50321**

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

JONI BENSON, IWD
LORI ARANDUS, IWD

**Appeal Number: 13IWDUI370
OC: 11/25/12
Claimant: Appellant (2)**

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)

August 30, 2013

(Decision Dated & Mailed)

871 IAC 24.26(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant Danielle Sikes-Gillum appealed from a decision issued by Iowa Workforce Development (“IWD”) dated July 26, 2013, reference 02, which determined that she was not eligible to receive unemployment insurance benefits as of July 21, 2013, because she failed to provide justifiable cause for failing to participate in reemployment services.

IWD transmitted the cases to the Department of Inspections and Appeals on August 1, 2013, to schedule a contested case hearing. A Notice of Telephone Hearing was issued on August 7, 2013, scheduling a hearing for August 30, 2013.

On August 30, 2013, this matter proceeded to a hearing before Administrative Law Judge Robert H. Wheeler. Claimant Danielle Sikes-Gillum appeared pro se, testified and made an offer of proof regarding testimony by her mother Roxanne Gillum. Lori Arandus appeared and testified on behalf of IWD. Documents 1 through 4 entered the record without objection.

ISSUES

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

FINDINGS OF FACT

Ms. Sikes-Gillum was notified in writing noticed to attend reemployment services on July 22, 2013. She did not attend. IWD sent this notice to Ms. Sikes-Gillum on July 9, 2013. IWD records indicated that Ms. Sikes-Gillum did not show up for the appointment and did not call to reschedule. (Arandus testimony).

On July 26, 2013, IWD issued a decision finding Ms. Sikes-Gillum was ineligible to receive unemployment insurance benefits as of July 21, 2013, because she had not established justifiable cause for failing to participate in reemployment services. (Exhibit 1).

Ms. Sikes-Gillum went to the Emergency Room at Broadlawns hospital on July 22, 2013, suffering with abdominal pain. When she realized that she would miss the reemployment assessment, she attempted to call the number on the notice to report. Ms. Arandus testified that this number belongs to her colleague at IWD. Both Ms. Sikes-Gillum tried several times to call to reschedule the appointment, but did not make contact with anyone at IWD. (Exhibits 2, 3; Sikes-Gillum testimony).

Ms. Sikes-Gillum did subsequently reschedule the assessment and completed the appointment. Her claim for benefits was unlocked as of the week ending August 10, 2013. She missed three weeks of benefits.

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 Ms. Sikes-Gillum failed to attend reemployment services after receiving notice. The record did, however, contain evidence of good cause for her failure to attend. A reasonable person would consider a medical emergency to be good cause. Her testimony regarding her efforts to call and reschedule the appointment was credible. These circumstances do constitute justifiable cause as defined in 871 IAC 24.6(6)(a), and the IWD decision must be reversed.

DECISION

IWD’s decision dated July 26, 2013, reference 02, finding Danielle Sikes-Gillum ineligible for unemployment insurance benefits as of July 21, 2013, is REVERSED.

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