

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

LORI WEGNER
227 JUNIPER RD.
AVOCA, IA 51521

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & MARIA CORTEZ

JONI BENSON, IWD

Appeal Number: 13IWDUI375

OC: 01/27/13

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)

August 30, 2013

(Decision Dated & Mailed)

871 IAC 24.6(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Lori Wegner appealed a decision issued by Iowa Workforce Development (“IWD”), dated July 15, 2013, reference 02, finding Wegner was mailed a notice to report for reemployment and eligibility assessment on July 11, 2013 and since she did not report benefits were denied as of July 7, 2013.

On August 1, 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 Hickok. On August 7, 2013, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested case hearing for August 30, 2013.

On August 30, 2013, a contested case hearing was held before Administrative Law Judge David Lindgren. Wegner did not appear as directed by the Notice of Telephone Hearing. Maria Cortez appeared and testified on behalf of IWD. IWD's exhibits were admitted into the record.

ISSUE

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

IWD scheduled Wegner to attend reemployment and eligibility assessment on July 11, 2012. Cortez testified Wegner did not attend the appointment and did not call IWD before the appointment to reschedule. IWD issued a decision dated July 15, 2013, reference 02, finding that Wegner did not report. It therefore ended benefits effective July 7.

At the hearing on Ms. Wegner's appeal from this decision, Cortez testified that Wegner has subsequently attended the appointment and is again receiving benefits.

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.

Wegner did not attend reemployment eligibility assessment on July 15, 2013. Wegner was a no show for this appointment and did not call ahead of time to notify IWD of her absence. Egner did not provide any further explanation for her absence at the hearing. IWD's decision should be affirmed.

DECISION

IWD correctly determined Wegner did not establish justifiable cause for failing to participate in reemployment services, and its decision dated July 15, 2013, reference 02, is AFFIRMED.

dbl