

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

Appeal Numbers: 12IWDUI071
OC: 10/16/11
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.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

KERRY A. ERICKSON
2031 LEXINGTON BLVD
WASHINGTON, IA 52353-9299

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
ANN LEFLORE
430 EAST GRAND AVENUE
DES MOINES IA 50319-0209

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)

March 14, 2012

(Decision Dated & Mailed)

871 IAC 24.26(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant Kerry Erickson filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated December 20, 2011, reference 03. IWD determined Mr. Erickson was not eligible to receive unemployment insurance benefits from December 11, 2011 because he failed to provide justifiable cause for failing to participate in reemployment services.

IWD transmitted the cases to the Department of Inspections and Appeals on February 20, 2012 to schedule a contested case hearing. A contested case hearing was held on March 14, 2012. Mr. Erickson appeared and testified. Ann LeFlore appeared and testified on behalf of IWD. The administrative file was admitted into the record.

ISSUE

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

FINDINGS OF FACT

IWD submitted a summary document stating that Mr. Erickson did not attend reemployment services on December 14, 2011 at 10:45 a.m. Mr. Erickson denies missing the appointment. Mr. Erickson testified that he signed in at 10:45 a.m. and attended the appointment as required.

IWD sent a decision on December 20, 2011, finding Mr. Erickson was ineligible to receive unemployment insurance benefits from December 11, 2011. Mr. Erickson filed a timely appeal.

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

Mr. Erickson testified that he did attend the session. He signed in and sat through the session. The undersigned finds Mr. Erickson's testimony credible. IWD's decisions should be reversed.

DECISION

IWD's decisions dated December 20, 2011, reference 03 is reversed.

jmp

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.6(6).

⁴ *Id.*

⁵ *Id.* 24.6(6)a.