

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

Appeal Number: 12IWDUI245
OC: 3/25/12
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.

CATHERINE FORTUNE
1321 STORY ST.
BOONE, IA 50036-2152

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR &
ANGELA PETERSON

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)

July 27, 2012

(Decision Dated & Mailed)

STATEMENT OF THE CASE

Catherine Fortune filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated May 18, 2012, reference 02. In this decision, the Department determined that Fortune was ineligible to receive unemployment insurance benefits effective May 13, 2012 because she failed to participate in a reemployment services orientation.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on June 29, 2012 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on July 3, 2012. On July 27, 2012, a telephone appeal hearing was held before Administrative Law Judge Laura Lockard. Workforce advisor Angie Peterson represented the Department and presented testimony. Exhibits 1 through 6 were submitted by the Department and admitted into

the record as evidence. The Appellant was provided instructions to participate in the hearing, but did not call in to do so. The hearing was held in her absence.

ISSUE

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

FINDINGS OF FACT

Catherine Fortune filed a claim for unemployment insurance benefits with an effective date of March 25, 2012. (Exh. B). On April 26, 2012, the Department mailed Fortune a notice to attend a reemployment services orientation on May 17, 2012. Fortune did not report for the reemployment services orientation on that date. (Exh. C, E; Peterson testimony).

On May 18, 2012, the Department issued a decision disqualifying Fortune for benefits effective May 13, 2012 because of her failure to report for the May 17 reemployment services orientation. (Exh. B). Fortune appealed the Department's decision. In her appeal letter, Fortune asserts that she was never mailed any information about the reemployment services orientation on May 17. (Exh. A).

At some point after she received the May 18 decision, Fortune got in contact with the Department and made an appointment to attend a reemployment services orientation. She attended the orientation on June 12, 2012 and her benefits were resumed effective the week ending June 16, 2012. (Peterson testimony).

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

Fortune asserted in her appeal that she did not receive the notice to attend the May 17, 2012 reemployment services orientation. The Department provided credible testimony at the hearing that the notice was mailed to Fortune on April 26, 2012. Fortune did not appear at the hearing to shed any additional light on the situation; there is no information in the record regarding where Fortune typically receives mail, how many

¹ 871 Iowa Administrative Code (IAC) 24.6.

people live there and have access to the mail, whether she has had problems receiving mail in the past, or any of the information that would be necessary to assess her assertion that she did not receive the notice. For this reason, I cannot credit Fortune's assertion that she did not receive the notice. Under these circumstances, I do not find that Fortune had justifiable cause for failing to report for the reemployment services orientation. The Department's decision must be affirmed.

DECISION

Iowa Workforce Development's decision dated May 18, 2012, reference 02 is **AFFIRMED**. The Department shall take any action necessary to implement this decision.

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