

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

Appeal Number: 12IWDUI660
OC: 02/12/12
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.

ALYSON M. VALDEZ-PHILLIPS
201 ASH STREET
MUSCATINE IA 52761-2813

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR &
DAVID HARTMAN

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)

January 29, 2013

(Decision Dated & Mailed)

STATEMENT OF THE CASE

Alyson M. Valdez-Phillips filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated November 26, 2012, reference 05. In this decision, the Department determined that Ms. Valdez-Phillips was ineligible to receive unemployment insurance benefits effective November 18, 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 December 13, 2012 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on December 19, 2012. On January 28, 2013 at 2:00 p.m., a telephone appeal hearing was held before Administrative Law Judge John M. Priester. Workforce advisor David Hartman represented the Department and presented testimony. The administrative file was

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

Alyson M. Valdez-Phillips filed a claim for unemployment insurance benefits with an effective date of February 12, 2012. On November 13, 2012, the Department mailed Ms. Valdez-Phillips a notice scheduling her to report for a reemployment services orientation on November 21, 2012 at 10:00 AM. Ms. Valdez-Phillips did not report for the November 21st orientation and did not call to make alternate arrangements to attend.

On November 26, 2012, the Department issued a decision disqualifying Ms. Valdez-Phillips from receiving benefits effective November 18, 2012 because of her failure to report for the November 21st reemployment services orientation. The decision states that the disqualification will continue until Ms. Valdez-Phillips reports for the orientation.

Ms. Valdez-Phillips filed an appeal of the Department's decision. In her appeal letter, Ms. Valdez-Phillips indicated that she was told by the Des Moines IWD staff twice that she "did not have to take action to continue benefits."

Even after receiving the decision that clearly indicated that she would not receive benefits until she completed the assessment, Ms. Valdez-Phillips has not contacted IWD to schedule the assessment.

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

¹ 871 Iowa Administrative Code (IAC) 24.6.

In her appeal letter Ms. Valdez-Phillips indicated that the “Des Moines office” told her she did not have to do anything. Ms. Valdez-Phillips did not participate in the hearing to fully explain what this letter means. Because she did not participate in the hearing to explain her failure to participate in the reemployment assessment session the undersigned finds that Ms. Valdez-Phillips has failed to establish good cause. The Department’s decision disqualifying Ms. Valdez-Phillips from receiving benefits must be affirmed. Ms. Valdez-Phillips will not be eligible for benefits until she completes this assessment.

DECISION

Iowa Workforce Development’s decision dated November 26, 2012, reference 05, is **AFFIRMED**. The Department shall take any action necessary to implement this decision.

jmp