

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

Appeal Number: 15IWDUI142
OC: 03/16/14
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.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

DELANEY MORAN
5309 N HWY 75N LOT 500
SIOUX CITY, IA 51108

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
RONEE SLAGLE & VELMA SALLIS

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.

NICHOLAS OLIVENCIA, IWD
JONI BENSON, IWD

(Administrative Law Judge)

April 29, 2015

(Decision Dated & Mailed)

871 IAC chapter 24 – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Delaney Moran appealed a decision issued by Iowa Workforce Development (“IWD”), dated August 18, 2014, reference 03, finding she was ineligible to receive unemployment insurance benefits as of August 10, 2014 because she was mailed a notice to report to attend a reemployment and eligibility assessment on May 23, 2014, and she failed to report.

On April 16, 2015, 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 Moran. On April 17, 2015, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing, scheduling a contested case hearing for April 29, 2015 at 8:30 a.m. Prior to the hearing

Velma Sallis with IWD mailed the administrative law judge and Moran an appeal summary with attachments.

On April 29, 2015, a contested case hearing was held before Administrative Law Judge Heather L. Palmer. Moran appeared and testified. Sallis appeared and testified on behalf of IWD. IWD's appeal summary and Exhibit A were admitted into the record.

ISSUES

Whether the Department correctly determined the claimant is ineligible to receive unemployment insurance benefits.

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

FINDINGS OF FACT

IWD selected Moran to participate in its reemployment services program. Moran attended an initial reemployment assessment with Sallis on April 17, 2014. During the appointment Sallis scheduled Moran to attend reemployment services orientation on April 23, 2014, at 9:00 a.m., and a National Career Readiness Certification ("NCRC") appointment on April 29, 2014 at 12:30 p.m. Moran signed a Reemployment and Eligibility Assessment Program Checklist, agreeing to attend the orientation and NCRC appointments. Moran agreed "I understand that if I do not complete scheduled REA activities within the agreed upon timeframe it will result in the denial of unemployment insurance benefits."

Moran attended the orientation appointment on April 23, 2014. Before the NCRC appointment Moran contacted IWD and reported her son was in the hospital. IWD rescheduled Moran's NCRC appointment for May 13, 2014, at 12:30 p.m. Moran acknowledged she received the notice of the May 13, 2014 NCRC appointment.

Moran did not attend the May 13, 2014 NCRC appointment. As a result, Sallis locked Moran's claim for unemployment insurance benefits. IWD issued a decision on August 18, 2014, reference 03, finding Moran was ineligible to receive unemployment insurance benefits as of August 10, 2014 because she was mailed a notice to report to attend a reemployment and eligibility assessment on May 23, 2014¹, and she failed to report. Moran did not receive the decision because she moved.

Moran applied for unemployment insurance benefits in 2015. IWD informed Moran her claim had been locked in August 2014. Moran appealed the August 18, 2014 decision.

Moran attended the NCRC appointment on April 1, 2015. IWD unlocked her benefits on March 29, 2015.

¹ The appointment was scheduled for May 13, 2014.

Moran testified she was struggling in May 2014. Her family was forced to move. Moran and her husband found other employment. Moran misplaced the notice of the May 13, 2014 NCRC appointment when she moved.

Moran expressed her frustration with IWD, Sallis, and Slagle during the hearing. I informed Moran I do not have authority to address personnel concerns with IWD. I told Moran she could raise any personnel concerns with IWD's Director, Beth Townsend.

REASONING AND CONCLUSIONS OF LAW

IWD and the Department of Economic Development jointly provide a reemployment services program.² 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.³

In order to maintain continuing eligibility for benefits, an individual is required to report to IWD as directed.⁴ Specifically, 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.⁵ Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in reemployment services.⁶ "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."⁷

Moran received the notice of the May 13, 2014 NCRC appointment. Moran was struggling and misplaced her appointment notice. Moran has not established justifiable cause for missing the appointment. IWD's decision should be affirmed.

DECISION

IWD correctly determined Moran did not establish justifiable cause for failing to participate in a reemployment and eligibility assessment on May 13, 2014, and its decision dated August 18, 2014, reference 03, is AFFIRMED.

hlp

² 871 IAC 24.6(1).

³ *Id.* 24.6(3).

⁴ *Id.* 24.2(1)e.

⁵ *Id.* 24.6(6).

⁶ *Id.*

⁷ *Id.* 24.6(6)a.