

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

TONIA L. MOORE
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BOONE, IA 50036-2356

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT
430 EAST GRAND AVENUE
DES MOINES, IA 50319-0209

JOE WALSH, IWD

Appeal Number: 11IWDUI186
OC: 03/13/2011
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)

July 29, 2011

(Decision Dated & Mailed)

871 IAC 24.26(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant Tonia Moore filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated June 7, 2011, reference 02. IWD found Moore was ineligible to receive unemployment insurance benefits from May 29, 2011 through June 4, 2011 because Moore failed to establish justifiable cause for failing to participate in reemployment services.

IWD transmitted the case to the Department of Inspections and Appeals to schedule a contested case hearing. When IWD transmitted the case, it mailed a copy of the administrative file to Moore.

A contested case hearing was scheduled for July 28, 2011. Moore did not attend the hearing. Moore's copy of the Notice of Telephone Hearing was not returned to my office as undeliverable mail. The Notice of Telephone Hearing provided instructions on how to participate in the hearing. Theresa Glick followed the instructions on the Notice of Telephone Hearing and appeared and testified on behalf of IWD. Exhibits 1 through 5 were 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 scheduled an appointment for Moore to attend reemployment services on April 21, 2011. Moore did not appear. IWD sent Moore a 2nd Notice to Report to attend reemployment services on June 2, 2011. Moore did not appear. IWD issued a decision finding Moore was ineligible to receive unemployment insurance benefits from May 29, 2011 through June 4, 2011 because Moore failed to establish justifiable cause for failing to participate in reemployment services.

On June 8, 2011, Glick received an e-mail from Moore stating she missed her appointment on June 2, 2011 because she was trying to prevent her utilities from being disconnected. Glick found Moore had failed to establish justifiable cause for failing to attend reemployment services on April 21, 2011 and June 2, 2011.

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

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.6(6).

⁴ *Id.*

consider adequate justification in view of the paramount importance of reemployment to the claimant.”⁵

The record reflects Moore failed to attend reemployment services. Moore did not attend the hearing to explain, under oath, her reasons for failing to participate in reemployment services. Moore has not provided justifiable cause for failing to attend reemployment services. IWD’s decision should be affirmed.

DECISION

IWD correctly determined Moore did not establish justifiable cause for failing to participate in reemployment services, and its decision dated June 7, 2011 is affirmed.

hlp

⁵ *Id.* 24.6(6)a.