

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

Appeal Number: 12IWDUI020
OC: 09/11/11
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

KEVIN GRAY
520 2ND AVENUE E
COCCON, IA 52218-9400

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & ANN LEFLORE**

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)

February 28, 2012

(Decision Dated & Mailed)

871 IAC 24.26(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Kevin Gray filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated December 2, 2011, reference 05. IWD determined Gray was ineligible to receive unemployment insurance benefits as of November 27, 2011 because he failed to attend reemployment services.

IWD transmitted the case to the Department of Inspections and Appeals on January 12, 2012 to schedule a contested case hearing. When IWD transmitted the case, it mailed a copy of the administrative file to Gray. On January 18, 2012, a Notice of Telephone Hearing was issued scheduling a contested case hearing for February 27, 2012.

A contested case hearing was held on February 27, 2012. Gray did not appear at the hearing. No one appeared on behalf of IWD. I took judicial notice of the documents contained in the administrative appeal file.

ISSUE

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

FINDINGS OF FACT

In his appeal letter, Gray alleges he did not receive notice of the reemployment services orientation scheduled for December 1, 2011. IWD did not include a copy of the appointment letter it sent to Gray or other evidence Gray received notice of the appointment with its Exhibits.

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

IWD did not provide Gray with notice of the December 1, 2011 appointment. Gray has established justifiable cause for missing the December 1, 2011 appointment. IWD's decision is reversed.

DECISION

IWD's decision, reference 05, dated December 2, 2011, is REVERSED.

hlp

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.6(6).

⁴ *Id.*

⁵ *Id.* 24.6(6)a.