

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

JOHN B. CRUPI
2006 GETHMANN DR
MARSHALLTOWN IA 50158-6066

IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR
430 EAST GRAND AVE.
DES MOINES, IA 50309

JOE WALSH, IWD

Appeal Number: 12IWDUI182
OC: 02/05/12
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)

May 10, 2012

(Decision Dated & Mailed)

STATEMENT OF THE CASE

John B. Crupi filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated February 5, 2012, reference 01. In this decision, the Department determined that Mr. Crupi was ineligible to receive unemployment insurance benefits effective March 18, 2012 because he failed to attend a reemployment services orientation.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on April 23, 2012 scheduling a hearing for May 9, 2012.

Prior to that date Mr. Crupi left a phone message indicating that he thought that there was no need to have a hearing. He was going to be in Pennsylvania at the time of the hearing for an interview.

On May 10, 2012, a telephone appeal hearing was held before Administrative Law Judge John M. Priester. Workforce advisor Sandy Krough represented the Department and presented testimony. The administrative file was admitted into the record as evidence. The notice of hearing provided instructions to participate in the hearing. Appellant John Crupi did not appear by telephone at the date and time scheduled and the hearing was held in his 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

John Crupi filed a claim for unemployment insurance benefits with an effective date of February 5, 2012. At some point after Mr. Crupi filed his claim, the Department mailed him a notice to report for a reemployment services orientation on March 21, 2012. Mr. Crupi did not appear for the March 21, 2012 orientation. Mr. Crupi did not contact workforce advisor Sandy Krough regarding the orientation.

On March 22, 2012, the Department issued a decision disqualifying Mr. Crupi for unemployment insurance benefits effective March 18, 2012 based on a failure to report for the reemployment services orientation on March 21, 2012.

In his appeal letter, Mr. Crupi indicated that he inadvertently placed the date of the orientation in his calendar on the incorrect date.

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

It is undisputed that Mr. Crupi missed his scheduled reemployment services orientation on March 21, 2012. The reason given for missing the orientation was that he put the orientation on the wrong date.

Under these circumstances, Mr. Crupi has not established justifiable cause for failing to participate in reemployment services.

¹ 871 Iowa Administrative Code (IAC) 24.6.

DECISION

Iowa Workforce Development's decision dated March 22, 2012 is AFFIRMED. The Department shall take any action necessary to implement this decision.

jmp