

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

**Appeal Number: 11IWDUI231**  
**OC: 11/14/2010**  
**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, 4<sup>TH</sup> 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

**JAYME SCHROEDER**  
**P.O. BOX 194**  
**GUTTENBERG, IA 52052-0194**

STATE CLEARLY

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

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

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(Administrative Law Judge)

September 26, 2011

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(Decision Dated & Mailed)

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871 IAC 24.24.2(1)e – Reemployment Services

### **STATEMENT OF THE CASE**

Claimant Jayme Schroeder filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated August 15, 2011, reference 03. IWD found Schroeder was ineligible to receive unemployment insurance benefits because Schroeder was mailed a Notice to Report to attend reemployment services orientation on August 11, 2011 and Schroeder did not attend the orientation.

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 Schroeder.

A contested case hearing was scheduled for September 26, 2011. Schroeder did not attend the hearing. Schroeder'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. Maria Runde 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 failed to meet the availability requirements for the reemployment services program.

### **FINDINGS OF FACT**

IWD scheduled an appointment for Schroeder to attend reemployment services orientation on July 21, 2011. Schroeder did not attend the appointment. IWD sent Schroeder a 2nd Notice to Report to attend reemployment services orientation on August 11, 2011. Schroeder did not attend the appointment. IWD issued a decision finding Schroeder was ineligible to receive unemployment insurance benefits from August 7, 2011 because he did not attend reemployment services on August 11, 2011.

In Schroeder's appeal letter Schroeder indicated Schroeder did not attend reemployment services orientation due to hospitalization. Runde testified Schroeder did not contact her prior to the hearing to report the hospitalization. Schroeder did not attend the hearing or provide copies of any medical records documenting the hospitalization.

### **REASONING AND CONCLUSIONS OF LAW**

IWD and the Department of Economic Development jointly provide a reemployment services program.<sup>1</sup> 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.<sup>2</sup>

In order to maintain continuing eligibility for unemployment insurance benefits, an individual is required to report when directed to do so by a representative from IWD.<sup>3</sup> Schroeder did not attend his scheduled appointments on July 21, 2011 or August 11, 2011.

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

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<sup>1</sup> 871 IAC 24.6(1).

<sup>2</sup> *Id.* 24.6(3).

<sup>3</sup> *Id.* 24.6(3).

has previously completed the training or services.<sup>4</sup> Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in reemployment services.<sup>5</sup> “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.”<sup>6</sup>

The record reflects Schroeder failed to attend reemployment services orientation. While Schroeder’s appeal letter states Schroeder was in the hospital during the orientation session, Schroeder did not attend the hearing to explain, under oath, the reasons for failing to participate in reemployment services and did not provide any hospital records documenting the hospitalization. Schroeder has not provided justifiable cause for failing to attend reemployment services. IWD’s decision should be affirmed.

### **DECISION**

IWD correctly determined Schroeder failed to meet the availability requirements for the reemployment services program, and its decision dated August 15, 2011 is affirmed.

hlp

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<sup>4</sup> *Id.* 24.2(1)e.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* 24.6(6)a.