

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

Appeal Number: 12IWDUI167
OC: 12/04/11
Claimant: Appellant (1)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

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.**

BRAD SEFERT
1047 LANGLEY ROAD APT 2
WATERLOO, IA 50702-4223

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

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & DEBRA HODGES-
HARMON

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.

JOE WALSH, IWD
CARLA DENNIS, IWD

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)

April 26, 2012

(Decision Dated & Mailed)

871 IAC 24.26(6) – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Brad Sefert filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated February 6, 2012, reference 02, finding Sefert was ineligible for unemployment insurance benefits effective February 5, 2012 because IWD mailed Sefert a notice to report to attend reemployment services orientation on January 31, 2012 and he did not report.

On April 9, 2012, IWD transmitted the case to the Department of Inspections and Appeals to schedule a contested case hearing. The administrative file indicates that when IWD transmitted the case, it mailed a copy of the administrative file to Sefert.

A contested case hearing was scheduled for April 25, 2012. Sefert did not attend the hearing as directed by the Notice of Telephone Hearing. No one appeared on behalf of IWD at the hearing as directed by the Notice of Telephone Hearing. 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

IWD sent Sefert a Notice to Report to attend reemployment services orientation on January 31, 2012. Sefert did not attend reemployment services orientation.

IWD sent Hodson a decision dated February 6, 2012, finding he was ineligible for unemployment insurance benefits effective February 5, 2012 because IWD mailed him a notice to report to attend reemployment services orientation on January 31, 2012 and he failed to attend.

In his appeal letter Sefert reported he was in the hiring process for a new job and was taking pre-employment exam and drug screening. He reported he could have called, “but by the time I read the email for the exams and drug screening it was after the hours posted on the sheet I received.” Sefert did not attend the hearing to testify under oath his exams and screening were scheduled for the same time as his appointment to attend reemployment services orientation.

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

Sefert failed to attend reemployment services orientation on January 31, 2012. Sefert did not attend the hearing to testify under oath his exams and screening were scheduled for the same time as his appointment to attend reemployment services orientation. He has not established justifiable cause for failing to participate in reemployment services.

DECISION

IWD’s decision dated February 6, 2012 is affirmed.

hlp

⁵ *Id.* 24.6(6)a.