

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**CHRIS H. HANSEN**  
**501 HICKORY STREET**  
**ATLANTIC, IA 50022**

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

JOE WALSH, IWD  
NANCY BROOKHART, IWD

**Appeal Number: 13IWDUI203**  
**OC: 12/30/12**  
**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, 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.

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.

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(Administrative Law Judge)

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May 20, 2013

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(Decision Dated & Mailed)

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871 IAC 24.26(6) – Reemployment Services

**STATEMENT OF THE CASE**

Claimant Chris Hansen appealed from a decision issued by Iowa Workforce Development (“IWD”) dated April 8, 2013, reference 02, which determined that he was not eligible to receive unemployment insurance benefits as of March 31, 2013, because he failed to provide justifiable cause for failing to participate in reemployment services.

IWD transmitted the cases to the Department of Inspections and Appeals on April 30, 2013, to schedule a contested case hearing. A Notice of Telephone Hearing was issued on May 3, 2013, scheduling a hearing for May 17, 2013, before Administrative Law Judge Robert H. Wheeler.

On May 17, 2013, this matter came on for a hearing, and neither party appeared. Therefore, the decision is based on the written record within the administrative file.

### **ISSUES**

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

### **FINDINGS OF FACT**

Mr. Hansen was notified to attend reemployment services on April 2, 2013. He did not attend.

On April 8, 2013, IWD issued a decision finding Mr. Hansen was ineligible to receive unemployment insurance benefits as of March 31, 2013, because he had not established justifiable cause for failing to participate in reemployment services.

Mr. Hansen appealed via a letter. The letter acknowledged notice of the reemployment services appointment, and stated that Mr. Hansen planned to attend. That morning he awoke with swollen lower legs that were turning purple. Mr. saw Dr. Keith Swanson, M.D. that morning on an emergency basis. The appeal letter went on to state that Mr. Hansen called to explain his inability to attend the appointment after his doctor visit.

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

IWD and the Department of Economic Development jointly provide a reemployment services program. 871 IAC 24.6(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. 871 IAC 24.6(3).

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. 871 IAC 24.6(6). Failure by the claimant to participate without justifiable cause shall disqualify the claimant from receiving benefits until the claimant participates in reemployment services. "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." 871 IAC 24.6(6)(a).

The record established that Mr. Hansen failed to attend reemployment services after receiving notice. The record did, however, contain evidence of good cause for his failure to attend. A reasonable person would consider the medical emergency to be good cause. These

circumstances do constitute justifiable cause as defined in 871 IAC 24.6(6)(a), and the IWD decision must be reversed.

**DECISION**

IWD's decision dated April 8, 2013, reference 02, finding Chris Hansen ineligible for unemployment insurance benefits as of March 31, 2013, is REVERSED.

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