

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

**DECISION OF THE ADMINISTRATIVE LAW JUDGE**

**MANDIE MCCALLUM**  
**21445 SCOTT PARK ROAD, TRLR 53**  
**DAVENPORT, IA 52807-9378**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMP. SERVICES COORDINATOR &**  
**DAVID HARTMAN**

JOE WALSH, IWD

**Appeal Number: 13IWDUI053**  
**OC: 4/29/12**  
**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, 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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March 28, 2013

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(Decision Dated & Mailed)

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**STATEMENT OF THE CASE**

Mandie McCallum filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated January 11, 2013 (reference 01). In this decision, the Department determined that McCallum was ineligible to receive unemployment insurance benefits effective January 6, 2013 because she failed to participate in a reemployment and eligibility assessment.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on January 30, 2013 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on February 5, 2013. On March 28, 2013, a telephone appeal hearing was held before Administrative Law Judge Laura Lockard. Workforce advisor David Hartman represented the Department and presented testimony. Exhibits A through E were submitted by the Department and admitted into

the record as evidence. The Appellant was provided instructions to participate in the hearing, but did not call in to do so. The hearing was held in her 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**

Mandie McCallum filed a claim for unemployment insurance benefits with an effective date of April 29, 2012. On January 2, 2013, the Department mailed McCallum a notice requiring her to attend a reemployment and eligibility assessment on January 10, 2013 at 2:30 PM. The notice informed McCallum that failure to appear at the reemployment services orientation would result in the denial of unemployment insurance benefits. (Exh. B, E).

McCallum did not appear for the January 10 assessment, nor did she contact the Department to indicate any conflict or to attempt to reschedule. On January 11, 2013, the Department issued a decision disqualifying McCallum from receiving unemployment insurance benefits because of her failure to report for the January 10 reemployment assessment. (Exh. B, C, D; Hartman testimony).

McCallum appealed the decision. In her appeal letter, McCallum states that she was out of state due to a family emergency and did not receive the appointment letter nor return home until the day after the appointment. (Exh. A).

### **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.<sup>1</sup>

McCallum asserted in her appeal letter that she was out of town for a “family emergency” on the date of the reemployment assessment. McCallum offered no details in the letter regarding the nature of the emergency, nor did she appear at hearing to shed any light on the issue. Under these circumstances, I cannot find that McCallum demonstrated justifiable cause for failure to participate in reemployment services. The

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<sup>1</sup> 871 Iowa Administrative Code (IAC) 24.6.

Department's decision disqualifying McCallum from receiving unemployment insurance benefits is affirmed.

I note that in order for McCallum to begin receiving benefits again – provided she is otherwise eligible – she must contact the Department in order to make an appointment to attend the reemployment assessment that she missed.

### **DECISION**

Iowa Workforce Development's decision dated January 11, 2013, reference 01, is **AFFIRMED**. The Department shall take any action necessary to implement this decision.