

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

DEBORAH MUMM
11400 LINCOLN ROAD
HUDSON, IA 50643-2124

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORDINATOR
SHANLYN SEIVERT & VELMA SALLIS

JOE WALSH, IWD
JONI BENSON, IWD

Appeal Number: 13IWDUI006
OC: 11/04/12
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)

January 24, 2013

(Decision Dated & Mailed)

871 IAC chapter 24 – Reemployment Services

STATEMENT OF THE CASE

Claimant/Appellant Deborah Mumm appealed a decision issued by Iowa Workforce Development (“IWD”), dated December 24, 2012, reference 01, finding she was ineligible to receive unemployment insurance benefits as of December 9, 2012 because she was mailed a notice to report to attend a reemployment and eligibility assessment on December 12, 2012 and she failed to report.

On January 9, 2013, IWD transmitted the administrative file to the Department of Inspections and Appeals to schedule a contested case hearing. When IWD transmitted the file, it mailed a copy of the administrative file to Mumm. On January 14, 2013, the Department of Inspections and Appeals sent out a Notice of Telephone Hearing,

scheduling a contested case hearing for January 24, 2013. Prior to the hearing IWD submitted additional documents.

On January 24, 2013, a contested case hearing was held before Administrative Law Judge Heather L. Palmer. Mumm did not appear as directed by the Notice of Telephone Hearing. Velma Sallis appeared and testified on behalf of IWD. Exhibits 1 through 5 were admitted into the record.

ISSUE

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

FINDINGS OF FACT

IWD selected Mumm to participate in its reemployment services program. Sallis testified that on November 27, 2012, IWD sent Mumm a notice to report to attend a reemployment and eligibility assessment on December 12, 2012 from 11:30-11:45 a.m. Sallis testified Mumm did not attend the appointment and did not contact IWD to reschedule the appointment.

On December 24, 2012, IWD issued a decision, reference 01, finding Mumm was ineligible to receive unemployment insurance benefits as of December 9, 2012 because she was mailed a notice to report to attend a reemployment and eligibility assessment on December 12, 2012 and she failed to report. Mumm appealed.

Sallis testified on January 2, 2013, Mumm contacted her to rescheduled her appointment. Sallis rescheduled Mumm's appointment of January 28, 2013.

In her appeal letter Mumm stated she believed the notice to report was junk mail and she did not appear.

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

In order to maintain continuing eligibility for benefits, an individual is required to report to IWD as directed.³ Specifically, a claimant is required to participate in reemployment services when referred by IWD, unless the claimant establishes

¹ 871 IAC 24.6(1).

² *Id.* 24.6(3).

³ *Id.* 24.2(1)e.

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

Mumm did not attend her scheduled appointment on December 12, 2012. In her appeal letter Mumm stated she received the notice to report, but believed it was junk mail. Mumm has not established justifiable cause for failing to participate in reemployment services. IWD’s decision should be affirmed.

DECISION

IWD correctly determined Hurtado did not establish justifiable cause for failing to participate in a reemployment and eligibility assessment on December 12, 2012, and its decision dated December 24, 2012, reference 01, is AFFIRMED.

hlp

⁴ *Id.* 24.6(6).

⁵ *Id.*

⁶ *Id.* 24.6(6) *a.*