

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**GREG MACTAGGART**  
**1202 -31<sup>ST</sup> STREET**  
**SPIRIT LAKE, IA 51360**

**IOWA WORKFORCE DEVELOPMENT**  
**REEMPLOYMENT SERVS. COORDINATOR**  
**SHANLYN SEIVERT & ANN CONNER**

JONI BENSON, IWD

**Appeal Number: 13IWDUI031**  
**OC: 10/28/12**  
**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)

**MARCH 12, 2013**

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(Decision Dated & Mailed)

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871 IAC 24.6(6) – Reemployment Services

**STATEMENT OF THE CASE**

The Appellant Greg MacTaggart filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated December 28, 2012, reference 02. IWD determined MacTaggart was not eligible to receive unemployment insurance benefits as of December 23, 2012 because he failed to report for a reemployment and eligibility assessment on December 26, 2012.

On January 16, 2013, 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 MacTaggart.

A contested case hearing was scheduled for March 11, 2013 at 3:00 p.m. MacTaggart did not appear for the hearing. Ann Conner appeared and testified on behalf of IWD. The Notice of Decision and MacTaggart's Letter of Appeal were admitted into the record.

### **ISSUE**

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

### **FINDINGS OF FACT**

IWD scheduled MacTaggart to attend a reemployment and eligibility assessment on December 26, 2012. MacTaggart failed to attend the assessment. His appeal letter stated that he misplaced the letter scheduling the assessment because his family was in the process of selling their home and moving. He stated that he did not attend the assessment because he was scheduled for a job interview on that same day (Letter of Appeal). Ann Conner testified that this explanation would have been considered good cause for missing the interview if the Department had been aware of it prior to the interview. IWD was not aware that MacTaggart had misplaced the assessment notice or that he had scheduled a job interview on the date of the assessment (Conner Testimony).

### **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>

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.<sup>3</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>4</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>5</sup> The claimant may have had justifiable cause for failing to attend the reemployment services program. He failed, however, to notify IWD prior to, or after the

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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(6).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* 24.6(6) a.

assessment. He also failed to participate in the hearing in which he contested the Department's decision. Under these circumstances, IWD's decision is affirmed.

**DECISION**

IWD's decision is affirmed.