

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

**Appeal Number: 12IWDUI310**

**OC: 10/9/11**

**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, 4<sup>TH</sup> Floor Lucas Building, Des Moines, Iowa 50319.**

**DOUGLAS K. BATCHELLER  
2402 W. SOLWAY STREET  
SIOUX CITY IA 51104-4014**

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  
REEMP. SERVICES COORDINATOR  
FRAN CARPENTER  
430 EAST GRAND AVE.  
DES MOINES, IA 50309**

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.

JOE WALSH, IWD

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(Administrative Law Judge)

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September 26, 2012

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(Decision Dated & Mailed)

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### STATEMENT OF THE CASE

Douglas K. Batcheller filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated June 20, 2012, reference 01. In this decision, the Department determined that Mr. Batcheller was ineligible to receive unemployment insurance benefits effective June 17, 2012 because he failed to fully participate in a reemployment and eligibility assessment as requested.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on August 10, 2012 to schedule a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on August 21, 2012. On September 25, 2012 at 1:00 p.m. a telephone appeal hearing was held before Administrative Law Judge John M. Priestler. Reemployment and eligibility assessment specialist Fran Carpenter represented the Department and presented testimony. The administrative record was admitted into the record as evidence. Appellant Douglas K. Batcheller failed to appear for the hearing.

## **ISSUE**

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

## **FINDINGS OF FACT**

Douglas Batcheller filed a claim for unemployment insurance benefits with an effective date of October 9, 2011. At some point after he filed her claim, the Department sent Mr. Batcheller notice that he was required to attend a reemployment and eligibility assessment appointment. Mr. Batcheller attended that appointment on June 19, 2012 with Fran Carpenter. At that appointment, Mr. Batcheller indicated that he had been campaigning for a political office and not doing job searched. He indicated that he would not be doing job searches while he is campaigning.

On June 20, 2012, the Department issued a decision disqualifying Mr. Batcheller from receiving unemployment insurance benefits effective June 17, 2012 and continuing until he participates in reemployment services. A condition of reemployment services is that a recipient of benefits be actively looking for employment. Mr. Batcheller does not meet this requirement.

## **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>

Mr. Batcheller indicated that he had not been doing job searches and he would continue to not do them while campaigning. This disqualifies him from unemployment insurance benefits as he is not actively seeking employment.

## **DECISION**

Iowa Workforce Development’s decision dated June 20, 2012, reference 01, is **AFFIRMED**. The Department shall take any action necessary to implement this decision.

jmp

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