

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**BLAKE W. WALLACE**  
**393 – 28<sup>th</sup> AVENUE SW**  
**CEDAR RAPIDS, IA 52404-4017**

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

DAN ANDERSON, IWD

**Appeal Number: 10IWDUI327**

**OC: 9/5/10**

**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)

December 29, 2010

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(Decision Dated & Mailed)

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871 IAC 24.26(6) – Reemployment Services

### **STATEMENT OF THE CASE**

Claimant Blake Wallace appealed from a decision issued by Iowa Workforce Development (“IWD”) dated November 3, 2010, reference 02. In the decision IWD determined Mr. Wallace was not eligible to receive unemployment insurance benefits from October 30, 2010 through October 30, 2010, 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 December 10, 2010 to schedule a contested case hearing. A Notice of Telephone Hearing was issued on December 15, 2010, scheduling a hearing for December 29, 2010.

On December 29, 2010, these matters proceeded to a hearing. Claimant Blake Wallace failed to appear, despite notice of the hearing mailed to his address of record. This is the same address that Mr. Wallace listed on his request for this appeal, and the notice was not returned in the mail. IWD did not appear for the hearing, but did provide an administrative file containing the notice of decision dated 11/3/10 and the claimant's written appeal request. These documents entered the record.

### **ISSUES**

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

### **FINDINGS OF FACT**

Mr. Wallace was notified attend reemployment services. He did not attend. (Wallace appeal letter).

IWD issued a decision finding Mr. Wallace was ineligible to receive unemployment insurance benefits from October 30, 2010 through October 30, 2010 because he had not established justifiable cause for failing to participate in reemployment services. (Notice of Decision).

Mr. Wallace wrote that he understood that he missed a required class, but that he had conflicts with the available times for the class because he was engaging in other job training. (Wallace appeal letter).

### **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. Wallace failed to attend reemployment services. The record did not contain evidence of good cause for his failure to attend. Mr. Wallace

claimed a scheduling conflict with other job training, but did not provide the schedules in question, nor did he describe the other training. These circumstances do not constitute justifiable cause as defined in 871 IAC 24.6(6)(a), absent further information, and Mr. Wallace did not appear to provide testimony. IWD's decision must be affirmed.

### **DECISION**

IWD's decision dated November 3, 2010, reference 02 is affirmed. The claimant, Blake Wallace is not eligible to receive unemployment benefits from October 30, 2010, through October 30, 2010.

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