

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**AUDREY JO STOCKFISH**  
Claimant

**CHRISMA INC**  
Employer

**APPEAL 21A-UI-03352-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20**  
**Claimant: Respondent (6)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 17A.12(3) – Default Decision  
Iowa Admin. Code r. 871-26.14(7) – Dismissal of Appeal on Default

**STATEMENT OF THE CASE:**

Employer filed an appeal from the February 9, 2021, statement of charges that included charges for claimant's unemployment insurance benefits. Iowa Workforce Development mailed a hearing notice to the claimant and employer for a telephone hearing scheduled for March 29, 2021, at 8:00 a.m. The employer did not answer at the telephone number it provided for the hearing so no hearing was held. The administrative law judge took official notice of the hearing control screen which shows employer did not answer at the telephone number or provide a different telephone number prior to the time of the hearing.

**ISSUE:**

Should the appeal be dismissed based on employer's failure to appear and participate?

**FINDINGS OF FACT:**

The claimant and employer were properly notified of the scheduled hearing for this appeal. The employer did not answer at the telephone number provided for the hearing or provide a different telephone number prior to the hearing. Employer did not request a postponement of the hearing.

The hearing notice instruction specifically advises parties of the date and time of the hearing. It also states:

**IMPORTANT NOTICE!**

YOU MUST PROVIDE YOUR PHONE NUMBER TO THE APPEALS BUREAU AS SOON AS POSSIBLE. If you do not follow these instructions, the judge will not call you for the hearing. You must also provide the name(s) and phone number(s) of any witnesses to the Appeals Bureau.

The back page of the hearing notice provides further instruction and warning:

**Failure to Participate or Register for Appeal Hearing**

If you do not participate in the hearing, the judge may dismiss the appeal or issue a decision without considering your evidence. The Appeals Bureau does not have a phone number for this hearing unless you provide it to us by following the instructions

on the other side of this page. If you do not follow those instructions, the judge will not call you for the hearing. 871 IAC 26.14(7).

The information quoted above also appears on the hearing notice in Spanish.

The administrative law judge held the record open for 15 minutes past the scheduled start time to allow the employer a reasonable opportunity to participate. However, employer did not contact the Appeals Bureau to participate during that time frame.

The statement of charges included charges for claimant's unemployment insurance benefits.

**REASONING AND CONCLUSIONS OF LAW:**

The Iowa Administrative Procedure Act at Iowa Code § 17A.12(3) states that if a party fails to appear for or participate in a hearing after being properly notified, the judge may enter a default decision or proceed with the hearing and make a decision in the absence of the party.

Iowa Admin. Code r. 871-26.14(7) provides, in relevant part:

(7) If a party has not responded to a notice of telephone hearing by providing the appeals bureau with the names and telephone numbers of the persons who are participating in the hearing by the scheduled starting time of the hearing or is not available at the telephone number provided, the presiding officer may proceed with the hearing. If the appealing party fails to provide a telephone number or is unavailable for the hearing, the presiding officer may decide the appealing party is in default and dismiss the appeal as provide in Iowa Code section 17A.12(3).

In this case, the employer was not available for the hearing at the telephone number it provided to the Appeals Bureau. Therefore, the employer is in default and the appeal is dismissed.

If the employer disagrees with this decision, the employer may appeal the decision directly to the Employment Appeal Board, whose address is listed at the top right caption.

**DECISION:**

The February 9, 2021, statement of charges finding employer liable for benefits remains in effect as the appellant is in default and the appeal is dismissed.



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Christine A. Louis  
Administrative Law Judge

March 30, 2021  
Decision Dated and Mailed

cal/ol