

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

Appeal Number: 16IWDUI113
OC: 01/10/16
Claimant: Appellant (01)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

DON L. MORRISON
308 – 8th STREET Apt 2
FT DODGE, IA 50501

JANE CONNOR, IWD INVESTIGATIONS
JONI BENSON, IWD
JODI DOUGLAS, IWD
NICHOLAS OLIVENCIA, IWD
EMILY CHAFA, UI APPEALS COORDINATOR

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)

APRIL 21, 2016

(Decision Dated & Mailed)

Iowa Code section 17A.12(3) – Default
871 Iowa Administrative Code 26.14(6)-(7) – Failure to Appear

STATEMENT OF THE CASE

On March 4, 2016, Iowa Workforce Development (IWD) issued a decision that Don L. Morrison (claimant) was not eligible to receive unemployment insurance benefits from February 28, 2016 to June 18, 2016 because of its imposition of an administrative penalty. On March 8, 2016, Morrison filed the appeal.

On March 31, 2016, the Iowa Department of Inspections and Appeals (IWD), Division of Administrative Hearings (administrative hearings), issued a *Notice of Telephone Hearing* to all parties setting a hearing date of April 20, 2016 at 3:00 p.m. The notice contained instructions regarding how to participate in the telephone hearing.

On April 20, 2016 at 3:00 p.m., the administrative law judge connected for the hearing. Jane Connor, an IWD investigator, timely connected for the hearing. As of 3:05 p.m., neither Morrison nor a representative for Morrison connected for the hearing.

REASONING AND CONCLUSIONS OF LAW

The Iowa Department of Workforce Development (IWD) is created to administer the laws of this state relating to unemployment compensation insurance, job placement and training, employment safety, labor standards, and workers' compensation. Iowa Code section 84A.1(1).

Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state. Involuntary unemployment is therefore a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and the worker's family. See Iowa Code section 96.2.

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 provided in Iowa Code section 17A.12(3). The record may be reopened if the absent party makes a request to reopen the hearing under subrule 26.8(3) and shows good cause for reopening the hearing. See 871 Iowa Administrative Code (IAC) section 26.14(7).

In the case at issue, absent evidence to the contrary, Morrison timely received the *Notice of Telephone Hearing* mailed to him on March 31, 2016 at his current address. Since Morrison failed to connect for the scheduled appeal hearing on April 20, 2016 by 3:05 p.m., it is ORDERED that Morrison defaulted on the appeal and Morrison's appeal is dismissed.

DECISION

IWD shall take any actions necessary to implement this decision.

CBT