

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**FARIS M MOHAMMED**  
Claimant

**APPEAL 21A-DUA-00698-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/03/21  
Claimant: Appellant (6)**

---

PL 116-136, Sec. 2102– Federal Pandemic Unemployment Assistance  
Iowa Code § 17A.12(3) – Default Decision  
Iowa Admin. Code r. 871-26.14(7) – Dismissal of Appeal on Default

**STATEMENT OF THE CASE:**

Claimant, Faris M. Mohammed, filed an appeal from the January 3, 2021 unemployment insurance decision that denied Pandemic Unemployment Assistance (PUA) benefits. Iowa Workforce Development mailed a notice of hearing to Mr. Mohammed's last address of record. The hearing was scheduled for March 29, 2021, at 3:00 p.m. Mr. Mohammed did not provide a telephone number to the Appeals Bureau prior to the scheduled hearing. No hearing was held.

**ISSUE:**

Should the appeal be dismissed based on the Mr. Mohammed's failure to appear and participate?

**FINDINGS OF FACT:**

Iowa Workforce Development notified Mr. Mohammed of the hearing. Mr. Mohammed did not respond to the hearing notice or otherwise provide a telephone number to the Appeals Bureau. Mr. Mohammed did not participate in the hearing or request a postponement. Mr. Mohammed did not follow the instructions on the hearing notice. Official notice is taken of the hearing control screen to establish that Mr. Mohammed did not provide a telephone number to the Appeals Bureau prior to the time of the scheduled hearing.

The hearing notice instruction specifically advises Mr. Mohammed 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).

As a courtesy to Mr. Mohammed, the administrative law judge left the record open for 15 minutes past the scheduled time of the hearing to give him a reasonable amount of time to call the Appeals Bureau to participate. Mr. Mohammed did not contact the Appeals Bureau or otherwise register for the hearing during that time period.

The unemployment insurance decision denied Mr. Mohammed's application for PUA benefits.

**REASONING AND CONCLUSIONS OF LAW:**

The Iowa Administrative Procedure Act at Iowa Code § 17A.12(3) provides that if a party fails to appear or participate in a hearing after proper service of notice, 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, Mr. Mohammed failed to provide a telephone number to the Appeals Bureau prior to the scheduled hearing. Mr. Mohammed is in default and the appeal is dismissed.

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

**DECISION:**

The January 3, 2021 unemployment insurance decision denying PUA benefits remains in effect as the appellant/claimant, Mr. Mohammed, is in default.



---

Jennifer L. Beckman  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

March 31, 2021  
Decision Dated and Mailed

jlb/scn