

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

**Appeal Number: 17IWDUI274
17IWDUI275**

OC: 01/01/17

Claimant: Appellant (03/04)

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, 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.

**MELISSA M. WARNKE
426 REED STREET
WATERLOO, IA 50703**

STATE CLEARLY

REEMPLOYMENT ADVISOR &
COORDINATOR
VELMIA SALLIS & RONEE SLAGLE

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.

JONI BENSON, IWD
NICHOLAS OLIVENCIA, IWD
EMILY CHAFA, UI APPEALS COORDINATOR

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)

June 28, 2017

(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 2, 2017, Iowa Workforce Development (IWD) issued a decision (ref 03) that Melissa M. Warnke (claimant/appellant) was not eligible to receive unemployment insurance benefits effective February 26, 2017 because of failure to report for a reemployment and eligibility assessment on March 1, 2017. On March 22, 2017, Warnke filed the appeal.

On March 10, 2017, Iowa Workforce Development (IWD) issued a decision (ref 04) that Warnke was not eligible to receive unemployment insurance benefits effective March 5,

2017 because of failure to report for a reemployment and eligibility assessment on March 9, 2017. On March 22, 2017, Warnke filed the appeal.

On June 2, 2017, the Iowa Department of Inspections and Appeals (DIA), Division of Administrative Hearings (administrative hearings), issued *Notices of Telephone Hearing* to all parties setting a hearing date of June 27, 2017 at 9:30 a.m. The notices contained instructions regarding how to participate in the telephone hearing.

On June 27, 2017 at 9:31 a.m., the administrative law judge connected for the hearing. Velma Sallis, an IWD advisor, timely connected for the hearing. As of 9:37 a.m., neither Warnke nor a representative for Warnke 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, Warnke timely received the *Notices of Telephone Hearing* mailed to Warnke on June 2, 2017 at Warnke's current address. Since Warnke failed to connect for the scheduled appeal hearing on June 27, 2017 by 9:37 a.m., it is ORDERED that Warnke defaulted on the appeals and Warnke's appeals are dismissed.

DECISION

IWD shall take any actions necessary to implement this decision.

CBT