

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JACOB TARR
Claimant

TITAN TIRE CORPORATION
Employer

APPEAL 18A-UI-08816-H2
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/29/18
Claimant: Appellant (6)

Iowa Code § 17A.12(3) – Default Decision
Iowa Admin. Code r. 871-26.14(7) – Dismissal of Appeal on Default

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated August 16, 2018, (reference 01), that denied benefits. Notice of hearing was mailed to the party's last known addresses of record for an in person hearing to be held in Des Moines, Iowa at 1:00 p.m. on September 5, 2018. The claimant/appellant failed to appear to participate in the hearing.

ISSUE:

Should the appeal be dismissed based upon the claimant/appellant not participating in the hearing?

FINDINGS OF FACT:

The party was properly notified of the scheduled hearing on this appeal. The claimant/appellant failed to appear to participate in the hearing. The claimant/appellant did not request a postponement of the hearing.

The representative's decision concluded that the claimant/appellant was not eligible for unemployment insurance 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. The statute further states that if a party makes a timely request to vacate the decision and shows good cause for failing to appear, the judge shall vacate the decision and conduct another hearing.

The claimant/appellant appealed the unemployment insurance decision but failed to appear to participate in the hearing. The claimant/appellant has therefore defaulted on his appeal.

pursuant to Iowa Code § 17A.12(3) and Iowa Admin. Code r. 871-26.14(7), and the decision remains in force and effect.

If the claimant/appellant disagrees with this decision, a written request to reopen the record must be made to the administrative law judge within 15 days after the mailing date of this decision. The request should be mailed to the administrative law judge at the address listed at the end of this decision and must explain the emergency or other good cause that prevented the claimant/appellant from appearing to participate in the hearing at the scheduled time.

DECISION:

The unemployment insurance decision dated August 16, 2018, (reference 01), is affirmed. The decision denying benefits remains in effect.

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

Decision Dated and Mailed

tkh/rvs