

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

Appeal Number: 10IWDUI064

OC: 12/14/08

Claimant: Appellant (1)

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.

JEFF JAGIELSKI
1845 VALLEYVIEW DRIVE
MARION, IA 52302-5048

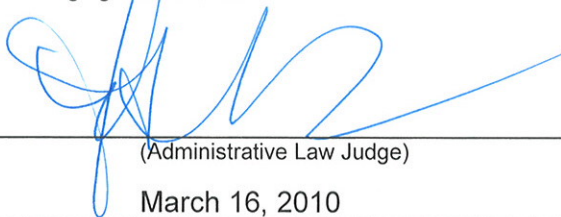
STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT INVESTIGATIONS AND RECOVERY
1000 EAST GRAND AVENUE
DES MOINES IA 50319-0209

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.

DAN ANDERSON, IWD



(Administrative Law Judge)

March 16, 2010

(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

The claimant filed an appeal of a decision dated January 11, 2010, reference 5. A Notice of Telephone Hearing was mailed to all parties on February 23, 2010 setting a hearing date of March 15, 2010 at 2:00 p.m. The notice contained instructions regarding how to participate in the telephone hearing. The claimant did not call in to participate in the hearing at the date and time indicated.

The Iowa Administrative Procedure Act provides that if a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding

officer may enter a default decision.¹ Iowa Workforce Development's rules give the presiding officer discretion regarding whether to proceed with a hearing in the absence of one or more of the parties.² In this case, a hearing was not held and a default decision was entered.

DECISION

The claimant's appeal is dismissed. The Department's decision dated January 11, 2010 is affirmed. The Department shall take any action necessary to implement this decision.

hlp

¹ Iowa Code § 17A.12(3).

² 871 Iowa Administrative Code 26.14(6)-(7).