

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

AMANDA BLUNCK
5006 HICKMAN ROAD
DES MOINES, IA 50310

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVICES COORD.
SHANLYN SEIVERT

JOE WALSH, IWD
JONI BENSON, IWD

Appeal Numbers: 13IWDUI231-232

OC: 09/09/12

Claimant: Appellant (1)

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)

June 18, 2013

(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

Claimant/Appellant Amanda Blunck appealed two decisions dated April 29, 2013, references 03 and 04. A Notice of Telephone Hearing was mailed to all parties on May 24, 2013 setting a hearing for June 18, 2013. Blunck's copy of the Notice of Telephone Hearing was not returned as undeliverable mail. Blunck did not call in to participate in the hearing as directed by the Notice of Telephone Hearing. Iowa Workforce Development's representative also failed to appear.

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 decisions dated April 29, 2013, references 03 and 04, are 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).