

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**ALEASHA BIONDI**  
Claimant

**APPEAL NO. 14A-UI-02317-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO BANK NA**  
Employer

**OC: 01/05/14**  
**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:**

The claimant inadvertently appealed a February 11, 2014 determination (reference 01) that held her eligible to receive benefits because she had been discharged for nondisqualifying reasons. Notices of hearing were mailed to the parties' last-known addresses of record informing them a telephone hearing would be held at 9:30 a.m. on March 24, 2014. A review of the Appeals Bureau's conference call system shows neither party responded to the hearing notice instructions and did not provide a telephone number at which they could be reached for the hearing.

**ISSUE:**

Should the appeal be dismissed because the claimant/appellant did not participate in the hearing and because the Appeals Bureau made a mistake in setting up the appeal?

**FINDINGS OF FACT:**

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The parties were properly notified of the scheduled hearing on this appeal. The claimant/appellant failed to provide a telephone number at which she could be reached for the hearing. The claimant did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

The representative's decision concluded the claimant was eligible to receive for unemployment insurance benefits.

**REASONING AND CONCLUSIONS OF LAW:**

The Iowa Administrative Procedures 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 Agency rules at Iowa Admin. Code r. 871-26.14(7) provide that if the appealing 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 judge may decide the appealing party is in default and dismiss the appeal as provided in Iowa Code § 17A.12(3). The record may be reopened if the absent party makes a request to reopen the hearing and shows good cause for reopening the hearing. The rules further state that failure to read or follow the instructions on the notice of hearing is not good cause for reopening the record. Iowa Admin. Code r. 871-26.14(7)c.

The claimant/appellant appealed the unemployment insurance determination, but failed to participate in the hearing. The Appeals Bureau made a mistake in setting up an appeal when the determination the claimant appealed was favorable to her. The claimant/appellant defaulted on her appeal. Based on Iowa Code § 17A.12(3) and Iowa Admin. Code r. 871-24.14(7), the determination remains in full force and effect.

If the claimant/appellant disagrees with this decision, a request must be made to the administrative law judge that the hearing be reopened within 15 days after the mailing date of this decision. The written 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 participating in the hearing at its scheduled time.

**DECISION:**

The representative's February 11, 2014 determination (reference 01) is affirmed. The determination holding the claimant qualified to receive benefits remains in effect.

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Debra L. Wise  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-242-5144

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Decision Dated and Mailed

dlw/css