

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

Appeal Number: 17IWDUI278
OC: 01/15/17
Claimant: Appellant (03)

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.**

LINDA A. HUMPAL
PO BOX 44
HARDY, IA 50545

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

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVICES
1000 E GRAND AVE.
DES MOINES IA 50319

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.

RONEE SLAGLE & SUSAN RUTZ
JONI BENSON, IWD
NICHOLAS OLIVENCIA, IWD
EMILY CHAFA, IWD

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 27, 2017

(Decision Dated & Mailed)

Iowa Code section 17A.12(3) – Default
871 Iowa Administrative Code 26.14(6)-(7) – Failure to Appear
871 Iowa Administrative Code section 24.2(1)e – Reemployment Services

STATEMENT OF THE CASE

On March 14, 2017, Claimant/Appellant Linda A. Humpal filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated March 9, 2017, reference 03, finding that Humpal was ineligible to receive unemployment insurance benefits because she failed to establish justifiable cause for failing to participate in re-employment orientation. IWD disqualified Humpal from receiving benefits effective March 5, 2017 and continuing until Humpal reported for orientation.

On or about May 10, 2017, IWD transmitted the case to the Iowa Department of Inspections

and Appeals (DIA) to schedule a contested case hearing. When IWD transmitted the case, it reportedly mailed a copy of the administrative file to Humpal.

On June 2, 2017, IWD sent an email to the judge stating that on March 21, 2017, Humpal attended re-employment orientation, thereby suggesting that the appeal issue had been resolved. (official notice)

On June 2, 2017, DIA administrative hearings issued a *Notice of Telephone Hearing* to all parties setting a hearing date of June 26, 2017 at 10:30 a.m. The notice contained instructions regarding how to participate in the telephone hearing. On June 26, 2017 at 10:35 a.m., Administrative Law Judge Charles B. Tarvin convened the hearing. Neither Humpal nor a representative for IWD appeared for the hearing.

ISSUE

Whether IWD correctly determined that the claimant did not establish justifiable cause for failing to participate in re-employment services.

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, Humpal timely received the *Notice of Telephone Hearing* mailed to Humpal on June 2, 2017 at Humpal's current address. Since Humpal failed to connect for the scheduled appeal hearing on June 26, 2017 by 10:35 a.m., it is ORDERED that Humpal defaulted on the appeal and Humpal's appeal is dismissed.

DECISION

IWD shall take any actions necessary to implement this decision.

CBT