

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LOGAN J CAMPBELL
Claimant

APPEAL 25A-UI-02685-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TIC INVESTMENTS, INC.
Employer

**OC: 11/17/24
Claimant: Appellant (6)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 17A.12(3) – Default Decision

STATEMENT OF THE CASE:

Logan J. Campbell, the claimant/appellant,¹ appealed the Iowa Workforce Development (IWD) December 10, 2024 (reference 03) unemployment insurance (UI) decision. IWD denied Mr. Campbell REGULAR (state) UI benefits because IWD concluded employer TIC Investments, Inc. discharged him from employment on November 22, 2024 for excessive unexcused absences. Mr. Campbell appealed on April 4, 2025. On April 9, 2025 the Iowa Department of Inspections, Appeals, and Licensing (DIAL), UI Appeals Bureau mailed a notice of hearing to Mr. Campbell and the employer at each of their last known addresses of record for a telephone hearing scheduled for April 25, 2025.

Mr. Campbell did not call the toll-free number listed on the hearing notice at the time the hearing was scheduled to begin. Because Mr. Campbell appealed but did not call in, the administrative law judge did not hold a hearing.

The administrative law judge concludes Mr. Campbell is in default, his appeal is dismissed, and the December 10, 2024 (reference 03) UI decision stays in place.

ISSUE:

Should the appeal be dismissed because Mr. Campbell did not appear and participate in the appeal hearing?

FINDINGS OF FACT:

The DIAL UI Appeals Bureau properly notified the parties of the scheduled hearing for this appeal. Mr. Campbell did not call the toll-free number listed on the hearing notice at the time scheduled for this appeal hearing. He did not request a postponement of the hearing before the hearing date. He did not call in before the record was closed 15 minutes after the hearing was scheduled to begin. The administrative law judge did not hold a hearing because Mr. Campbell did not appear.

¹ Claimant is the person who applied for UI benefits. Appellant is the person or employer who appealed.

The hearing notice lists the hearing date as April 25, 2025, and the hearing time as 9:00 a.m. Iowa time. The hearing notice also advises parties:

IMPORTANT NOTICE!

YOU MUST CALL the toll-free number...at the time of the hearing. You may call up to 5 minutes before the hearing. You are not the organizer – Do **NOT** press 2.

The administrative law judge **WILL NOT** call you for the hearing, you **MUST** call into the number provided above to participate. Failure to participate in the hearing may result in the dismissal of your appeal. **Failure to participate in the hearing may result in dismissal of your appeal.**

The administrative law judge left the record open after the hearing start time to give Mr. Campbell a reasonable opportunity to participate. Allowing additional time may prejudice the non-appealing party. Holding Mr. Campbell in default for not appearing and participating during the grace period is reasonable considering the time allocated for each appeal hearing.

The UI decision concluded that Mr. Campbell is not eligible for REGULAR (state) UI benefits based on how his job ended with this employer.

REASONING AND CONCLUSIONS OF LAW:

The Iowa Administrative Procedures Act at Iowa Code § 17A.12(3) provides, in relevant part:

If a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and make a decision in the absence of the party. ... If a decision is rendered against a party who failed to appear for the hearing and the presiding officer is timely requested by that party to vacate the decision for good cause, the time for initiating a further appeal is stayed pending a determination by the presiding officer to grant or deny the request. If adequate reasons are provided showing good cause for the party's failure to appear, the presiding officer shall vacate the decision and, after proper service of notice, conduct another evidentiary hearing. If adequate reasons are not provided showing good cause for the party's failure to appear, the presiding officer shall deny the motion to vacate.

Iowa Admin. Code r. 26.13(6) provides, in relevant part:

(6) If a party fails to appear for the hearing, the presiding officer may proceed with the hearing or decide the appealing party is in default and dismiss the appeal as provided in Iowa Code section 17A.12(3)....

Due process requires notice and an opportunity to be heard, both of which were provided to the parties. The appellant is responsible for going forward with the case in a prompt and thoughtful manner. The appellant must be present at the start of the hearing to avoid a default judgment.² The hearing notice instructs the parties to call the toll-free number listed on hearing notice at the time the hearing is scheduled to begin.

² Iowa Code § 17A.12(3) and Iowa Admin. Code r. 26.14(7).

Mr. Campbell did not call in for the hearing and is in default. The appeal is dismissed and the IWD UI decision remains in force and effect.

DECISION:

The December 10, 2024 (reference 03) UI decision remains in effect as Mr. Campbell is in default and the appeal is DISMISSED.

/s/ *Daniel Zeno*

Daniel Zeno
Administrative Law Judge

April 28, 2025
Decision Dated and Mailed

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APPEAL RIGHTS. If you disagree with this decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines IA 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

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.

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. 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.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines IA 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.