

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MECHELLE N ANDERSON
Claimant

WELLS FARGO BANK NA
Employer

APPEAL NO: 14A-UI-01886-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/02/14
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 appealed a February 19, 2014 determination (reference 01), that disqualified her from receiving benefits and held the employer's account exempt from charge. A notice of hearing was mailed to the parties' last-known addresses of record informing them a telephone hearing was scheduled on March 11 at 11:30 a.m. The claimant was called but was not available at the telephone number she provided for the hearing. The claimant did not participate in the hearing.

ISSUES:

Should the appeal be dismissed because the claimant/appellant did not participate in the hearing?

Should the claimant's request to reopen the hearing be granted?

FINDINGS OF FACT:

The parties were properly notified of the scheduled hearing on this appeal. The claimant/appellant was not available at the telephone number she provided for the hearing. She 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/appellant was ineligible to receive unemployment insurance benefits.

The claimant contacted the Appeals Bureau about 90 minutes after the scheduled hearing. The claimant requested that the hearing be reopened because she had been at a scheduled doctor's appointment and the appointment took longer than she expected. The claimant did not call the Appeals Bureau until she listened to the message the administrative law judge left.

REASONING AND CONCLUSIONS OF LAW:

The Iowa Administrative Procedure 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 claimant could have requested a postponement, but did not. She also could have contacted the Appeals Bureau closer to the scheduled hearing time, but did not. Based on the claimant's failure to request a postponement and waiting until almost 1:00 p.m. to call for an 11:30 a.m. hearing, the evidence suggests that the claimant forgot about the scheduled hearing. She did not establish good cause to reopen the hearing.

The claimant/appellant appealed the unemployment insurance decision but failed to participate in the hearing. 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.

DECISION:

The representative's February 19, 2014 determination (reference 01) is affirmed. The determination denying the claimant's benefits remains in effect.

The claimant's request to reopen this matter is also denied.

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

Decision Dated and Mailed

dlw/css