

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CRYSTAL L MILLER
Claimant

FERRARA CANDY COMPANY
Employer

APPEAL 16A-UI-11703-H2
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/25/16
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:

An appeal was filed from an unemployment insurance decision dated October 21, 2016 (reference 04), that deducted vacation pay from the claimant's unemployment insurance benefits. Notice of hearing was mailed to the party's last-known addresses of record for an in person hearing to be held in Creston, Iowa at 10:10 a.m. on January 10, 2017. The claimant/appellant failed to appear to participate in the hearing.

ISSUE:

Should the appeal be dismissed based upon the claimant/appellant not participating in the hearing?

FINDINGS OF FACT:

The party was properly notified of the scheduled hearing on this appeal. The claimant/appellant failed to appear to participate in the hearing. The claimant/appellant did not request a postponement of the hearing.

The representative's decision concluded that the vacation pay should be deducted from the claimant/appellant's unemployment insurance benefits.

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/appellant appealed the unemployment insurance decision but failed to appear to participate in the hearing. The claimant/appellant has therefore defaulted on her appeal

pursuant to Iowa Code § 17A.12(3) and Iowa Admin. Code r. 871-26.14(7), and the decision remains in force and effect.

DECISION:

The unemployment insurance decision dated October 21, 2016, (reference 04), is affirmed. The decision deducting vacation pay from the claimant's unemployment insurance benefits remains in effect.

Teresa K. Hillary
Administrative Law Judge
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Decision Dated and Mailed

tkh/rvs