

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ELIAS HAMESO
Claimant

**DES MOINES REGIONAL TRANSIT
AUTHORITY**
Employer

APPEAL 17A-UI-01710-H2
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/08/17
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 February 9, 2017, (reference 01), that denied benefits. Notice of hearing was mailed to the party's last-known addresses of record for an in person hearing to be held in Des Moines, Iowa at 9:00 a.m. on March 8, 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 claimant/appellant was not eligible for 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 his 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 February 9, 2017, (reference 01), is affirmed. The decision denying benefits remains in effect.

Teresa K. Hillary
Administrative Law Judge
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Iowa Workforce Development
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Decision Dated and Mailed

tkh/rvs