

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

COURTNEY HARMS
Claimant

APPEAL 20R-UI-14401-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PRINCIPAL LIFE INSURANCE CO
Employer

**OC: 05/17/20
Claimant: Appellant (6)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
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 filed an appeal from the May 17, 2020, (reference 01) unemployment insurance decision that denied benefits. A hearing was scheduled in this matter for September 23, 2020. Claimant did not follow the hearing notice instructions and a default decision was entered on September 29, 2020. The claimant appealed to the Employment Appeal Board, and the Board remanded the matter back to the appeals bureau. After the Employment Appeal Board (EAB) remanded, due notice was issued, a hearing was scheduled to be held on January 14, 2021. The employer did respond to the hearing notice. The claimant did not respond to the hearing notice and did not participate. Because the EAB did not vacate the original appeal decision 20A-UI-09855-J1-T, that hearing record, including any exhibits, is adopted and incorporated herein.

ISSUE:

Should the original appeal default decision be adopted?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's findings of fact in appeal 20A-UI-09855-DG-T is hereby adopted and incorporated herein as the findings of fact for appeal 20R-UI-14401-DG-T.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.14(7) provides:

Conduct of hearings.

(7) 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 provide in Iowa Code section 17A.12(3). The record may be reopened if the absent party makes a request in writing to reopen the hearing under subrule 26.8(3) and shows good cause for reopening the hearing.

a. If an absent party responds to the hearing notice while the hearing is in progress, the presiding officer shall pause to admit the party, summarize the hearing to that point, administer the oath, and resume the hearing.

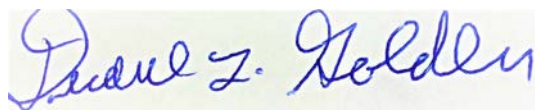
b. If a party responds to the notice of hearing after the record has been closed and any party which has participated is no longer on the telephone line, the presiding officer shall not take the evidence of the late party.

c. Failure to read or follow the instructions on the notice of hearing shall not constitute good cause for reopening the record.

For the reasons that follow, the administrative law judge concludes that inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's reasoning and conclusions of law in appeal 20A-UI-09855-J1-T is hereby adopted and incorporated herein as the reasoning and conclusions of law for appeal 20R-UI-14401-DG-T.

DECISION:

Inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's decision in appeal 20A-UI-09855-J1-T is hereby adopted and incorporated herein as the decision for appeal 20R-UI-14401-DG-T. Benefits are withheld until such time as the claimant works in and has been paid wages equal to ten times her weekly benefit amount, provided she is otherwise eligible.



Duane L. Golden
Administrative Law Judge

February 1, 2021
Decision Dated and Mailed

dlg/scn