

IOWA DEPARTMENT OF INSPECTIONS AND
APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

DECISION OF THE ADMINISTRATIVE LAW JUDGE

ROGER HUTCHINSON
4724 MERCED STREET
DES MOINES, IA 50310

IOWA WORKFORCE DEVELOPMENT
INVESTIGATOR MICHELLE SADDORIS

JODI DOUGLAS, IWD
JONI BENSON, IWD
NICHOLAS OLIVENCIA, IWD
EMILY CHAFA, UI APPEALS MANAGER

Appeal Number: 15IWDU343
OC: 2/15/15
Claimant: Appellant (6)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed Notice of Appeal, directly to the ***Employment Appeal Board, 4TH Floor Lucas Building, Des Moines, Iowa 50319.***

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.

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.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the department. 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

November 25, 2015

(Decision Dated & Mailed)

Iowa Code section 17A.12(3) – Default
871 Iowa Administrative Code 26.14(6) – Failure to Appear

STATEMENT OF THE CASE

Appellant Roger Hutchinson filed an appeal of a decision issued by Iowa Workforce Development dated August 28, 2015 (reference 03). A Notice of Telephone Hearing was mailed to all parties on October 21, 2015 setting a hearing date of November 24, 2015 at 3:00 PM. The notice contained instructions regarding how to participate in the telephone hearing. The claimant did not call in to participate in the hearing at the date and time indicated.

The Iowa Administrative Procedure Act provides that if a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may enter a default decision.¹ Iowa Workforce Development regulations give the presiding officer discretion regarding whether to proceed with a hearing in the absence of the appealing party.² In this case, a hearing was not held and a default decision was entered.

DECISION

The Appellant's appeal is dismissed. The Department shall take any action necessary to implement this decision.

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¹ Iowa Code § 17A.12(3).

² 871 Iowa Administrative Code 26.14(6).