

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

STACEY A VOSHELL
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**APPEAL 15A-UI-05718-JCT
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/22/15
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 May 12, 2015, (reference 03) that found the claimant ineligible for benefits based upon the claimant's failure to report to IWD when requested. Notice of hearing was mailed to the party's last-known addresses of record for a telephone hearing to be held at 8:30 a.m. on June 24, 2015. A review of the Appeals Bureau's conference call system after 8:50 a.m. the same day shows the claimant/appellant failed to respond to the hearing notice and provide a telephone number at which she could be reached for the hearing.

ISSUES:

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

FINDINGS OF FACT:

The party was properly notified of the scheduled hearing for this appeal. The appellant failed to provide a telephone number at which she could be reached for the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

The representative's decision concluded that the claimant was ineligible for benefits upon the claimant's failure to report to IWD as directed.

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 ALJ 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 ALJ shall vacate the decision and conduct another hearing.

Agency rule Iowa Admin. Code r. 871-26.14(7) provides that if the appealing 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 ALJ may decide the appealing party is in default and dismiss the appeal as provided in Iowa Code § 17A.12(3). The record may be reopened if the absent party makes a request to reopen the hearing and shows good cause for reopening the hearing. The rule further states that failure to read or follow the instructions on the notice of hearing is not good cause for reopening the record. Iowa Admin. Code r. 871-26.14(7)c.

The appellant appealed the unemployment insurance decision but failed to participate in the hearing. The appellant has not established emergency or other good-cause reason for failing to respond to the hearing notice instructions or call and request a postponement of the hearing date and/or time and the record shall not be reopened. The appellant has therefore defaulted on her appeal pursuant to Iowa Code § 17A.12(3) and Iowa Admin. Code r. 871-24.14(7), and the decision remains in force and effect.

DECISION:

The appellant is in default and the appeal is dismissed. The unemployment insurance decision dated May 12, 2015, (reference 03) remains in effect.

Jennifer L. Coe
Administrative Law Judge
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Iowa Workforce Development
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Decision Dated and Mailed

jlc/pjs