

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMIE E CHRISTENSON-HAWLEY
Claimant

APPEAL 24R-UI-07953-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/30/24
Claimant: Appellant (6)**

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Code § 17A.12(3) – Default Decision

STATEMENT OF THE CASE:

Jamie E. Christenson-Hawley, the claimant/appellant,¹ appealed the Iowa Workforce Development (IWD) July 15, 2024, (reference 02) unemployment insurance (UI) decision. IWD informed Ms. Christenson-Hawley that she is required to seek work and keep a record of her efforts “...during each week [UI] benefits are claimed, after the date of this decision.” IWD did not deny Ms. Christenson-Hawley UI benefits at this time. On July 23, 2024, the Iowa Department of Inspections, Appeals, and Licensing (DIAL), UI Appeals Bureau mailed a notice of hearing to Ms. Christenson-Hawley for a telephone hearing scheduled for August 5, 2024

Ms. Christenson-Hawley did not call in to participate in the August 5 hearing. So, the administrative law judge issued an Administrative Law Judge Decision in Appeal 24A-UI-06583-DZ-T on August 6, 2024 dismissing Ms. Christenson-Hawley’s appeal. Ms. Christenson-Hawley appealed to the Iowa Employment Appeal Board (EAB). The EAB Decision in Appeal 24B-UI-06583 concluded that Ms. Christenson-Hawley did not participate in the August 5 hearing through no fault of her own and remanded the matter for a new hearing. The EAB did not vacate the Administrative Law Judge Decision in Appeal 24A-UI-06583-DZ-T.

The DIAL, UI Appeals Bureau set up this appeal. On September 10, 2024, the DIAL, UI Appeals Bureau mailed a notice of hearing to Ms. Christenson-Hawley for a telephone hearing scheduled for September 24, 2024. Ms. Christenson-Hawley did not call the toll-free number listed on the hearing notice at the time the hearing was scheduled to begin. Because Ms. Christenson-Hawley appealed but did not call in, the administrative law judge did not hold a hearing.

The administrative law judge concludes the Administrative Law Judge Decision in Appeal 24A-UI-06583-DZ-T is adopted and incorporated in this appeal as the decision for this appeal.

ISSUE:

Is Ms. Christenson-Hawley required to seek work?

¹ Claimant is the person who applied for UI benefits. Appellant is the person or employer who appealed.

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Since the EAB Decision in Appeal 24B-UI-06583 did not vacate the Administrative Law Judge Decision in Appeal 24A-UI-06583-DZ-T, the Findings of Fact in Appeal 24A-UI-06583-DZ-T are adopted and incorporated in this appeal as the Findings of Fact for this appeal.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that since the EAB Decision in Appeal 24B-UI-06583 did not vacate the Administrative Law Judge Decision in Appeal 24A-UI-06583 -DZ-T, the Reasoning and Conclusions in Appeal 24A-UI-06583 -DZ-T are adopted and incorporated in this appeal as the Reasoning and Conclusions for this appeal.

DECISION:

Since the EAB Decision in Appeal 24B-UI-06583 did not vacate the Administrative Law Judge Decision in Appeal 24A-UI-06583 -DZ-T, the Administrative Law Judge Decision in Appeal 24A-UI-06583 -DZ-T is adopted and incorporated in this appeal as the decision for this appeal.



Daniel Zeno
Administrative Law Judge

September 25, 2024
Decision Dated and Mailed

DZ/jkb

APPEAL RIGHTS. If you disagree with this decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

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.

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. 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.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.