

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

Appeal Number: 17IWDUI204

OC: 11/06/16

Claimant: Appellant (6)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

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.

**BENJAMIN J. RANEY
308 GILBERTVILLE ROAD
EKL RUN HEIGHTS, IA 50707-1416**

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT
RE-EMPLOYMENT SERVICES
1000 E GRAND AVE.
DES MOINES, IA 50319**

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.

**RONEE SLAGLE
VELMA SALLIS**

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.

JONI BENSON, IWD

(Administrative Law Judge)

February 15, 2017

(Decision Dated & Mailed)

871—Iowa Administrative Code (IAC) 24.2(1)“e” & 24.11 – Reemployment and Eligibility Assessment

871—IAC 24.6(6) – Justifiable Cause for Failure to Report

871—Iowa Administrative Code 26.14(6) -- Default by Claimant

STATEMENT OF THE CASE

The Claimant, Benjamin Raney, filed an appeal from a decision issued by Iowa Workforce Development (IWD) dated December 19, 2016 (reference 03). The decision informed Mr. Raney that IWD had determined that, because he failed to participate in a re-employment and eligibility assessment (“REA”) on December 16, 2016, he was ineligible to receive unemployment insurance benefits beginning December 11, 2016 and continuing “until you report for this assessment.”

Upon receiving the Appellant’s timely appeal, IWD transmitted this matter to the Department of Inspections and Appeals on January 24, 2017 to schedule a contested

case hearing. A Notice of Telephone Hearing was mailed to all parties on February 1, 2017, setting a hearing date of February 15, 2017 at 8:30 a.m. Velma Sallis, a workforce advisor for the RESEA program from IWD appeared and briefly testified for IWD. Mr. Raney failed to appear, although the notice mailed to him was not returned as undeliverable. Administrative notice was taken of documents in the administrative file.

ISSUES

The issues certified for appeal are whether IWD correctly determined that the Claimant is ineligible to receive unemployment insurance benefits because the Claimant did not establish justifiable cause for failing to participate in reemployment services.

FINDINGS OF FACT

The administrative record shows that on December 1, 2016, IWD mailed to Mr. Raney a notice to report for a Re-employment and Eligibility Assessment (REA) appointment set for December 14, 2016. Mr. Raney called to reschedule. His new REA appointment was set for December 16, 2016, but he did not appear at the appointment.

Because Mr. Raney was a “no call/no show” for the REA appointment on December 16, 2016, IWD sent a decision to him that it had determined that because of his failure to participate in the assessment, he was ineligible to receive unemployment insurance benefits beginning December 11, 2016 and continuing “until you report for this assessment.”

REASONING AND CONCLUSIONS OF LAW

IWD administrative rule 871—IAC 26.14(6) states in part, “If the appealing party fails to appear, the presiding officer may decide the party is in default and dismiss the appeal.” In an IWD appeal, the Claimant bears the burden of proof to show that the agency’s decisions were wrong. Because Mr. Raney did not participate in the hearing, there is no way to know if he had a valid defense to either of the issues raised. This administrative tribunal finds that Mr. Raney is in default. His appeal is dismissed.

DECISION

For the foregoing reasons, IWD’s decision dated December 19, 2016, is **AFFIRMED**.

cjg