

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KARRY L GRANT**  
Claimant

**APPEAL 21R-DUA-01159-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/10/20  
Claimant: Appellant (6)**

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PL 116-136, Sec. 2102 – Federal Pandemic Unemployment Assistance  
20 CFR 625 – Disaster Unemployment Assistance  
Iowa Code § 17A.12(3) – Default Decision  
Iowa Admin. Code r. 871-26.14(7) – Dismissal of Appeal on Default

**STATEMENT OF THE CASE:**

Karry L Grant, the claimant/appellant, filed an appeal from the October 20, 2020 unemployment insurance decision that denied Pandemic Unemployment Assistance (PUA) benefits. Iowa Workforce Development mailed a notice of hearing to Ms. Grant's last address of record. The hearing was scheduled for December 14, 2020, at 8:00 a.m. Ms. Grant did not register her telephone number either online or by calling Iowa Workforce Development Appeals Bureau, as instructed by the hearing notice, but she did provide a telephone number in the documents she submitted in for appeal. The administrative law judge called Ms. Grant at the telephone number she provided and left her a voice message. Ms. Grant did not respond at the telephone number she provided at the time the hearing was scheduled to begin. Ms. Grant also did not respond to the administrative law judge's voice message. Because of her lack of response, no hearing was held.

Ms. Grant appealed to the Employment Appeal Board (EAB). The EAB remanded the case to an administrative law judge for a new hearing because "...the purposes of this federal disaster benefit are better served if the supplied number is at least called, rather than through a default." A new hearing was scheduled for May 4, 2021 at 8:00 a.m. Ms. Grant was properly notified of the new hearing. Again, Ms. Grant did not register her telephone number either online or by calling Iowa Workforce Development Appeals Bureau, as instructed by the hearing notice, but she did provide a telephone number in the documents she submitted for her appeal. The administrative law judge, again, called Ms. Grant at the telephone number she provided and left her a voice message. A review of the Appeals Bureau's conference call system indicates that Ms. Grant, for a second time, did not respond at the telephone number she provided at the time the hearing was scheduled to begin and she did not respond to the administrative law judge's voice message. Because Ms. Grant did not follow the instructions on the second notice of hearing, and make herself available via the telephone number she provided at the time and date scheduled for the appeal hearing, no hearing was held.

**ISSUE:**

Should Ms. Grant's appeal be dismissed based on her not appearing and participating?

**FINDINGS OF FACT:**

Iowa Workforce Development notified Ms. Grant of the hearing. She did not answer the administrative law judge's call at the telephone number she provided at the time scheduled for this appeal hearing. She was not available at the telephone number she provided for the scheduled hearing as required by the hearing notice. She did not request a postponement of the hearing. No hearing was held.

The hearing notice instruction specifically advises Ms. Grant of the date and time of the hearing. It also states:

**IMPORTANT NOTICE!**

YOU MUST PROVIDE YOUR PHONE NUMBER TO THE APPEALS BUREAU AS SOON AS POSSIBLE. If you do not follow these instructions, the judge will not call you for the hearing. You must also provide the name(s) and phone number(s) of any witnesses to the Appeals Bureau.

The back page of the hearing notice provides further instruction and warning:

**Failure to Participate or Register for Appeal Hearing**

If you do not participate in the hearing, the judge may dismiss the appeal or issue a decision without considering your evidence. The Appeals Bureau does not have a phone number for this hearing unless you provide it to us by following the instructions on the other side of this page. If you do not follow those instructions, the judge will not call you for the hearing. 871 IAC 26.14(7).

The information quoted above also appears on the hearing notice in Spanish.

As a courtesy to Ms. Grant, the administrative law judge left the record open for 15 minutes past the scheduled time of the hearing to give her a reasonable amount of time to call the Appeals Bureau to participate. Ms. Grant did not contact the Appeals Bureau during that time period.

The unemployment insurance decision denied Ms. Grant's application for PUA benefits. Ms. Grant's appeal letter attachments did not provide enough information to issue a decision without a hearing.

**REASONING AND CONCLUSIONS OF LAW:**

Section 2102 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides for unemployment benefit assistance to any covered individual, as defined by the Act, for up to 39 weeks, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19. Under Section 2102(h) of the CARES Act, 20 C.F.R Part 625 applies to the administration of the PUA program.

The United States Department of Labor's Unemployment Insurance Program Letter No. 16-20, provides:

Consistent with 20 C.F.R 625.11, the terms and conditions of the state law of the applicable state for an individual which apply to claims for, and the payment of, regular compensation apply to the payment of PUA to individuals. The provisions of the applicable state law that apply to claims for PUA include, but are not limited to:

...

- Determinations, redeterminations, appeals, and hearings;

....

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 judge may enter a default decision or proceed with the hearing and make a decision in the absence of the party.

Iowa Admin. Code r. 871-26.14(7) provides, in relevant part:

(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).

In this case, Ms. Grant did not answer the administrative law judge's call at the telephone number she provided at the time scheduled for this appeal hearing. Ms. Grant is in default and the appeal is dismissed.

If Ms. Grant disagrees with this decision, she may appeal the decision directly to the Employment Appeal Board, whose address is listed at the top right caption.

**DECISION:**

The October 20, 2020 unemployment insurance decision denying PUA benefits remains in effect as Ms. Grant is in default.



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Daniel Zeno  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

May 12, 2021  
Decision Dated and Mailed

dz/kmj