

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

GREG A RYAN
Claimant

APPEAL NO. 13A-UI-10461-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

OC: 08/11/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 26.8(5) – Decision on the Record

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated September 5, 2013, reference 01, that denied benefits. A telephone hearing was scheduled for October 8, 2013. Although duly notified, the appellant herein did not participate in the hearing. The employer participated by Mary Eggenburg and Heidi Nobling.

ISSUE:

At issue in this matter is whether the representative's decision finding that the claimant voluntarily quit work without good cause should be affirmed.

FINDINGS OF FACT:

The parties were properly notified of the scheduled hearing on this appeal. The appellant failed to provide a telephone number at which he 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 claimant was employed by The University of Iowa from March 24, 2008 until September 1, 2012 when he was considered to have voluntarily left employment by failing to provide required information to the employer after repeated requests. Mr. Ryan was employed as a part-time Laboratory Technician I working approximately 20 hours per week.

The claimant's last day of work was March 24, 2012. The claimant did not report to work thereafter because of reported illness. As time progressed, The University of Iowa had not received sufficient information to medically document the need for Mr. Ryan to continue to be absent and repeated requests were made to Mr. Ryan to supply some medical documentation for that reason. Although repeatedly requested, the claimant did not provide sufficient medical

documentation to support his need to be absent. A final request was mailed to the claimant August 22, 2012 informing him that his employment would come to an end effective September 1, 2012 if he did not supply the needed medical documentation. Mr. Ryan did not respond to the letter or supply any medical documentation to his employer.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 26.8(3), (4) and (5) provide:

Withdrawals and postponements.

(3) If, due to emergency or other good cause, a party, having received due notice, is unable to attend a hearing or request postponement within the prescribed time, the presiding officer may, if no decision has been issued, reopen the record and, with notice to all parties, schedule another hearing. If a decision has been issued, the decision may be vacated upon the presiding officer's own motion or at the request of a party within 15 days after the mailing date of the decision and in the absence of an appeal to the employment appeal board of the department of inspections and appeals. If a decision is vacated, notice shall be given to all parties of a new hearing to be held and decided by another presiding officer. Once a decision has become final as provided by statute, the presiding officer has no jurisdiction to reopen the record or vacate the decision.

(4) A request to reopen a record or vacate a decision may be heard ex parte by the presiding officer. The granting or denial of such a request may be used as a grounds for appeal to the employment appeal board of the department of inspections and appeals upon the issuance of the presiding officer's final decision in the case.

(5) If good cause for postponement or reopening has not been shown, the presiding officer shall make a decision based upon whatever evidence is properly in the record.

The administrative law judge has carefully reviewed the evidence in the record and concludes that the unemployment insurance decision previously entered in this case is correct and should be affirmed.

Mr. Ryan is considered to have abandoned his position at The University of Iowa after being absent from work for an extended period without supplying necessary medical documentation to support his need to be absent from work in spite of repeated requests. The claimant's leaving was not attributable to the employer.

Pursuant to the rule, the appellant must make a written request to the administrative law judge that the hearing be reopened within 15 days after the mailing date of this decision. The written request should be mailed to the administrative law judge at the address listed at the beginning of this decision and must explain the emergency or other good cause that prevented the appellant from participating in the hearing at its scheduled time.

DECISION:

The unemployment insurance decision dated September 5, 2013, reference 01, is affirmed. The decision disqualifying the claimant from receiving benefits remains in effect. The decision will become final unless an appeal is filed with the Employment Appeal Board within 15 days of the date of this decision.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs