

**IOWA WORKFORCE DEVELOPMENT DEPARTMENT
UNEMPLOYMENT INSURANCE APPEALS SECTION
1000 EAST GRAND AVENUE
DES MOINES IA 50319**

**Appeal Number: 06A-UI-01786-DWT
OC: 01/01/06 R: 03
Claimant: Respondent**

**CHARLES E JULION
1100 OLESON
WATERLOO IA 50702**

**PER MAR SECURITY & RESEARCH CORP
c/o TALX EMPLOYER SVCS
PO BOX 1160
COLUMBUS OH 43216 1160**

ORDER DENYING REQUEST TO REOPEN RECORD

On March 15, 2006, a decision was issued in this matter based on testimony Per Mar Security (employer) presented during a scheduled hearing on March 13, 2006. Although the claimant properly contacted the Appeals Section and provided a phone number in which to contact him, he was not available for the scheduled hearing. A message was left for the claimant to contact the Appeals Section immediately. The claimant did not contact the Appeals Section until 3:45 p.m. for the 1:30 p.m. hearing. When the administrative law judge returned the claimant's call five minutes later, the claimant again was not available for a phone call. On March 15, 2006, the claimant contacted the Appeals Section and talked to the administrative law judge.

The claimant made a request to reopen the hearing. The claimant was not available on March 13, 2006 at 1:30 p.m. because he was out looking for work. Prior to the hearing, the claimant did not request a continuance and there is nothing to indicate the claimant could not have been available for the 1:30 p.m. hearing.

871 IAC 26.14(7) provides:

(7) If a party has not responded to a notice of telephone hearing by providing the appeals section with the names and telephone numbers of its witnesses by the scheduled time of the hearing, the presiding officer may proceed with the hearing.

- a. If an absent party responds to the hearing notice while the hearing is in progress, the presiding officer shall pause to admit the party, summarize the hearing to that point, administer the oath, and resume the hearing.
- b. If a party responds to the notice of hearing after the record has been closed and any party which has participated is no longer on the telephone line, the presiding officer shall not take the evidence of the late party. Instead, the presiding officer shall inquire as to why the party was late in responding to the notice of hearing. For good cause shown, the presiding officer shall reopen the record and cause further notice of hearing to be issued to all parties of record. The record shall not be reopened if the presiding officer does not find good cause for the party's late response to the notice of hearing.
- c. Failure to read or follow the instructions on the notice of hearing shall not constitute good cause for reopening the record.

At issue is a request to reopen the record made after the hearing had concluded. The request to reopen the record is denied because the party making the request failed to participate by reading and following the instructions on the hearing notice.

Based on the above facts, the claimant did not establish good cause to set aside the March 15, 2006 decision and reopen this matter.

It is Ordered that the claimant's request to set aside the March 15, 2006 decision and reopen this matter is denied.

If the parties disagree with this Order, within fifteen (15) days from the date below, an interested party to the appeal may appeal to the Employment Appeal Board by submitting a signed letter or a signed written Notice of Appeal to Employment Appeal Board, 4th Floor – Lucas Building, Des Moines, Iowa 50319.

Debra L. Wise
Administrative Law Judge

Dated and mailed:

dlw:tjc

Copies to all parties of record.