

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL D HALLER
Claimant

THE HON COMPANY
Employer

APPEAL NO. 07A-UI-02535-DWT

**ADMINISTRATIVE LAW JUDGE
ORDER GRANTING REQUEST TO REOPEN
HEARING**

OC: 02/11/07 R: 04
Claimant: Respondent

On April 3, 2007, a telephone hearing was held in this matter. The claimant properly responded to the hearing notice on March 19, 2007. The claimant was called but was not available for the April 3, 2007 hearing. The employer participated in the hearing. Based on the evidence presented during the hearing, a decision holding the claimant disqualified from receiving benefits was issued on April 4, 2007.

The claimant contacted the Appeals Section on April 5 and asked that the hearing be reopened. The claimant indicated he had contacted the Appeals Section after the hearing had been rescheduled from March 28 to April 3 because he was working on April 3 and did not know if he would be able to receive a call. The claimant understood he had to wait until April 3 before anything could be done. The claimant tried to be available for the hearing, but his place of employment blocked cell phone signals and he did not receive the call. The claimant tried to contact the Appeals Section after he was done with work after 4:30 p.m. on April 3, but the Appeals Section does not answer calls after 4:30 p.m. The claimant finally contacted the Appeals Section on April 5 and requested that the hearing be reopened because the hearing had not been rescheduled even though he had informed the Appeals Section he was working and was not available for the scheduled April 3 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.

Based on the above facts, the claimant established good cause to reopen the hearing. It is Ordered that the decision issued on April 4, 2007, is set aside and another hearing in this matter will be scheduled on Monday, April 23, at noon. The parties will receive another hearing notice informing them about the April 23 hearing.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css