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

DONALD J HARRIS
Claimant

GOODWILL INDUSTRIES OF SE IOWA
Employer

APPEAL NO. 07A-UI-001463-JTT

ORDER REOPENING RECORD

OC: 01/07/2007   R: 03
Claimant: Appellant

871 IAC 26.14(7) – Conduct of Hearings

ORDER REOPENING RECORD

This matter was scheduled for hearing on February 26, 2007 and the parties were provided appropriate notice. The claimant prematurely terminated his participation prior to completing his testimony and prior to the employer having an opportunity to cross-examine the claimant.

Workforce Development Rule 871 IAC 26.14(2), regarding the conduct of hearings, provides as follows:

> The presiding officer shall inquire fully into the factual matters at issue and shall receive in evidence the sworn testimony of witnesses and physical evidence which are material and relevant to such matters. Upon the presiding officer's own motion or upon the written application of any party, and for good cause shown, the presiding officer may reopen the record for additional material, relevant and nonrepetitious evidence not submitted at the original contested case hearing.

The administrative law judge concludes that good cause exists to reopen the record for the limited purpose of receiving additional testimony from the claimant, allowing the employer to cross-examine the claimant, and receiving any rebuttal testimony from the employer. The further proceedings will take place by telephone conference call on March 8, 2007, at 1:00 p.m. In addition to the notice set forth in this Order, the parties will receive new formal notice setting forth the date and time of the hearing, as well as the rights and obligations of the parties.

IT IS HEREBY ORDERED THAT good cause exists to reopen the record and conduct limited further proceedings. The Agency will issue notice of a new hearing date and time. The parties are expected to comply with the hearing notice instructions.

_____
James E. Timberland
Administrative Law Judge

_____
Order Dated and Mailed
jet/kjw