

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAUL V GRIFFIN
Claimant

ACTION WAREHOUSE CO LTD
Employer

APPEAL NO: 07A-UI-08771-DWT

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

OC: 08/19/07 R: 02
Claimant: Appellant

A hearing was held in this matter on October 1, 2007, at 9:00 a.m. The claimant did not participate in the hearing because he was not available at the phone number he asked the administrative law judge to call. The employer, Kent Denning appeared on the employer's behalf. At 10:30 a.m., the claimant called the Appeals Section for the 9:00 a.m. scheduled hearing. The claimant contacted the Appeals Section as soon as he arrived at the residence he had arranged to use the phone.

The claimant does not live at the residence where the phone was located. The claimant lives on the East side of town and he planned to use the phone of a West side resident. The claimant planned to get a ride from his residence to the West side of town. These arrangements fell through at the last minute. The claimant walked from the East side to the West side to use the phone and contact the Appeals Section. The claimant requested that the hearing be reopened

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 and giving the claimant the benefit of the doubt, the claimant established good cause to reopen the hearing. It is Ordered that this matter be reopened and a new hearing shall be scheduled on Monday, October 15, 2007 at 11:00 a.m. The parties will receive a new hearing notice verifying this date and time for the hearing. Upon receiving the new hearing notice, the claimant must contact the Appeals Section and provide the phone number at which he can be contacted for the hearing. If the claimant has transportation problems again and the phone he has arranged to use is on the other side of town, the hearing will not be reopened a second time.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs