

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

**Appeal Number: 05A-UI-09367-DWT  
OC: 07/31/05 R: 02  
Claimant: Appellant**

**JUDITH A JACKMAN  
923 E RAILROAD AVE  
DES MOINES IA 50309**

**CITICORP CREDIT SERVICES INC USA  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283**

**ORDER GRANTING REQUEST TO REOPEN RECORD**

On September 28, 2005, a telephone hearing was scheduled in this case. Judith A. Jackman (claimant) did not participate in the hearing. The (claimant) properly responded to the hearing notice and provided a phone number in which to contact her for the hearing. The claimant's phone number was called on September 28. The voice mail on the phone picked up the call. The administrative law judge left a message for the claimant to contact the Appeals Section immediately. Kathy Evans appeared on the behalf of Citicorp Credit Services Inc. of Iowa (employer) and presented testimony.

The administrative law judge learned after the hearing had been closed that the claimant first contacted the Appeals Section while the hearing was in progress. The first time the claimant called, the Appeals Section lost the phone connection. By the time the claimant called the Appeals Section the second time and was connected to the administrative law judge, the hearing had been closed and Evans had been excused.

The claimant requested that the hearing be reopened because she had followed the hearing instructions by calling in prior to the scheduled hearing and provided the phone number as which she could be contacted for the hearing. The claimant also took reasonable steps and contacted the Appeals Section when she had not received a call to participate in the hearing. Unfortunately, the claimant's first call may have occurred about the same time the administrative law judge called her for the 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 claimant's request to reopen this matter is granted. The parties shall receive a hearing notice informing them when another telephone hearing will be scheduled in this matter.

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Debra L. Wise  
Administrative Law Judge

Dated and mailed:

dlw:kjw

Copies to all parties of record.