

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JONATHON W POLIDORE**  
Claimant

**APPEAL NO. 13A-UI-10883-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LA LEASING  
SEDONA STAFFING**  
Employer

**OC: 08/11/13  
Claimant: Appellant (1)**

Section 96.5(1)j – Quit/Temporary  
871 IAC 26.8(5) – Decision on the Record

**STATEMENT OF THE CASE:**

An appeal was filed from an unemployment insurance decision dated September 18, 2013, reference 01, which concluded the claimant was disqualified for unemployment benefits. A telephone hearing was scheduled for October 21, 2013. The appellant did not participate in the hearing. Based on the appellant's failure to participate in the hearing, the available administrative file, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law and decision.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

The parties were properly notified of the scheduled hearing on this appeal. The appellant failed to make himself available

The claimant's girlfriend contacted the Appeals Bureau on Friday, October 18, 2013, to request a postponement for the hearing on his behalf. She was unclear about the situation except that he was "out of town" at some unknown location for a "family matter." She had no details. Apparently neither the claimant nor any member of his family had a phone and he did not make any effort to use a phone at a Workforce Center in the area where he was currently staying. .

The administrative law judge has conducted a careful review of the available administrative file to determine whether the unemployment insurance decision should be affirmed. Official notice was taken of the administrative file.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 26.8(3), (4) and (5) provide:

Withdrawals and postponements.

(3) If, due to emergency or other good cause, a party, having received due notice, is unable to attend a hearing or request postponement within the prescribed time, the presiding officer may, if no decision has been issued, reopen the record and, with notice to all parties, schedule another hearing. If a decision has been issued, the decision may be vacated upon the presiding officer's own motion or at the request of a party within 15 days after the mailing date of the decision and in the absence of an appeal to the employment appeal board of the department of inspections and appeals. If a decision is vacated, notice shall be given to all parties of a new hearing to be held and decided by another presiding officer. Once a decision has become final as provided by statute, the presiding officer has no jurisdiction to reopen the record or vacate the decision.

(4) A request to reopen a record or vacate a decision may be heard ex parte by the presiding officer. The granting or denial of such a request may be used as a grounds for appeal to the employment appeal board of the department of inspections and appeals upon the issuance of the presiding officer's final decision in the case.

(5) If good cause for postponement or reopening has not been shown, the presiding officer shall make a decision based upon whatever evidence is properly in the record.

The administrative law judge has carefully reviewed evidence in the record and the available administrative file and concludes that the unemployment insurance decision previously entered in this case is correct and should be affirmed.

Pursuant to the rule, the appellant must make a written request to the administrative law judge that the hearing be reopened within 15 days after the mailing date of this decision. The written request should be mailed to the administrative law judge at the address listed at the beginning of this decision and must explain the emergency or other good cause which prevented the appellant from participating in the hearing at its scheduled time.

The administrative law judge denied the second-hand request for a postponement because "good cause" was not established as required by 871 IAC 26.8(2). Vague references by a third party of the claimant being "out of town somewhere" for some unspecified "family matter" is insufficient. Also the lack of a phone is questionable as Iowa Workforce Development, and similar agencies in other states, have made phones available to claimants with prior notice.

**DECISION:**

The unemployment insurance decision dated September 18, 2013, reference 01, is affirmed. The decision finding the claimant disqualified for benefits remains in effect.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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