

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

**Appeal Number: 06A-UI-03601-LT
OC: 02-19-06 R: 03
Claimant: Appellant**

**RAIMOND D O'NEAL-MURPHY
301 DOUGLAS ST
WATERLOO IA 50703-3223**

**TYSON FRESH MEATS INC
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283**

ORDER TO REOPEN RECORD

On April 18, 2006, a hearing was scheduled to be held in the above matter. Although the appellant had appealed and a phone hearing was scheduled, the appellant was not available at the number provided. As a result, the appellant did not participate in the hearing.

An hour after the hearing record was closed on April 18, 2006, the appellant requested that the decision be set aside and the hearing reopened because his cell phone battery had died and the phone was not useable. While this is not normally a reason to reopen the record, the administrative law judge noticed that the overpayment decision appealed was based upon information submitted by employer after the reference 01 decision was issued without providing claimant an additional opportunity to add information as employer had done.

Based on the above fact-finding representative's due process deficiency, there is good cause to reopen this matter.

It is ordered that another telephone hearing will be scheduled with notice to parties. If the parties wish to participate, they must follow the hearing notice instructions. If the parties do not follow these instructions, they will not be called to participate.

Dévon M. Lewis
Administrative Law Judge

Dated and mailed:

dml/tjc

Copies to all parties of record.
Cc: Sharon S. (scheduling clerk)