

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

**Appeal Number: 05A-UI-09308-DWT
OC: 08/14/05 R: 02
Claimant: Appellant**

**MIGUEL ALFARO
PO BOX 283
MENDOTA CA 93640**

**SWIFT & COMPANY
c/o EMPLOYERS UNITY INC
PO BOX 749000
ARVADA CA 80006**

ORDER GRANTING REQUEST TO REOPEN RECORD

On September 29, 2005, a telephone hearing was scheduled in this case. Miguel Alfaro (claimant) did not participate in the hearing. The claimant did not respond to the hearing notice by providing a phone number prior to the hearing in which to contact him for the hearing. When the claimant received the hearing notice, he went to the local California office. The claimant understood the hearing was 11:00 a.m. California time and contacted the Appeals Section shortly after 1:00 p.m., Central Daylight Time, for his hearing. On September 29, a local California representative translated for the claimant.

The claimant requested that the hearing be reopened because he followed the advice he received to participate in the hearing. The claimant took reasonable steps and contacted the Appeals Section when he had not received a call to participate in 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 another telephone hearing has been scheduled on Monday, October 17, 2005 at 1:00 p.m., CDT or 11:00 a.m. PDT. The Appeals Section has retained the services of a Spanish interpreter to participate in the hearing.

Debra L. Wise
Administrative Law Judge

Dated and mailed:

dlw:kjw

Copies to all parties of record.