

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARMANDO R CARDENAS
Claimant

APPEAL NO. 07A-UI-03770-DWT

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

WELEY BARTON CONST INC
Employer

OC: 12/03/06 R: 04
Claimant: Appellant

On May 1, 2007, a telephone hearing was scheduled in the matter. The claimant did not participate in the hearing. The employer participated in the hearing.

The claimant contacted the Appeals Section on May 1 after the hearing had been closed and the employer's witness had been excused. The claimant requested that the hearing be reopened because he had called on April 27 and provided his phone number. After checking with the Appeals Section clerical staff, it was verified that the claimant had properly provided his phone number, but as the result of an inadvertent oversight, the claimant's phone number had not been recorded 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 this matter be reopened and a new hearing shall be scheduled for Wednesday, May 16, 2007, at 8:00 a.m.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw