

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARK W ROBINSON**

Claimant

**APPEAL NO. 14A-UI-03077-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**

Employer

**OC: 03/02/14**

**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Admin. Code r. 871- 26.8(5) – Decision on the Record  
871 IAC 26.14(7)b,c – Request to Reopen Hearing

**STATEMENT OF THE CASE:**

The claimant appealed a representative's March 19, 2014 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on April 11, 2014. The claimant did not respond to the hearing notice or participate in the hearing. Vicky Matthias appeared on the employer's behalf.

After the hearing had been closed and the employer had been excused, the claimant called the Appeals Bureau to participate in the hearing. This was the first time he contacted the Appeals Bureau. He requested that the hearing be reopened. Based on the administrative file and the law, the following findings of fact, reasoning and conclusions of law and decision are entered.

**FINDINGS OF FACT:**

The parties were properly notified of the scheduled hearing on this appeal. The claimant received the hearing notice that was mailed to both parties on March 25, 2014. He did not read the hearing instructions and failed to provide a telephone number at which he could be reached for the scheduled hearing. The claimant, the appealing party, did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

By the time the claimant called at 1:00 p.m. for the 11:30 a.m. hearing, the hearing was closed and the employer had been excused.

A careful review of the information in the administrative file has been conducted to determine whether the unemployment insurance decision should be affirmed.

**REASONING AND CONCLUSIONS OF LAW:**

If a party responds to a hearing notice after the record has been closed and the party who participated at the hearing is no longer on the line, the administrative law judge can only ask why the party responded late to the hearing notice. If the party establishes good cause for responding late, the hearing shall be reopened. The rule specifically states that failure to read

or follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. Iowa Admin. Code r. 871-26.14(7) b,c. The claimant's failure to read and follow the hearing instructions does not establish good cause to reopen the hearing. His request to reopen the hearing must be denied.

The unemployment insurance rules provide that when a party who has received due notice is unable to attend a hearing or request postponement within the prescribed time due to emergency or other good cause, the administrative law judge may, if no decision has been issued, reopen the record and schedule another hearing. If a decision has been issued, the decision may be vacated upon the administrative law judge'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 or 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 administrative law judge. Once a decision has become final as provided by statute, the administrative law judge officer has no jurisdiction to reopen the record or vacate the decision. Iowa Admin. Code r. 871-26.8(3). The rules further provide that a request to reopen a record or vacate a decision may be heard ex parte by an administrative law judge. The granting or denial of such a request may be used as a grounds for appeal to the Employment Appeal Board or the Department of Inspections and Appeals after the administrative law judge has issued a final decision in the case. Iowa Admin. Code r. 871-26.8(4). Finally, if good cause for postponement or reopening has not been shown, the administrative law judge shall make a decision based upon whatever evidence is properly in the record. Iowa Admin. Code r. 871-26.8(5).

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

**DECISION:**

The claimant's request to reopen the hearing is denied. The representative's March 19, 2014 determination (reference 01) is affirmed. The determination that disqualified the claimant from receiving benefits remains in effect. This means, the claimant is disqualified from receiving unemployment insurance benefits as of February 25, 2014. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
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Decision Dated and Mailed

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