

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW EWING

Claimant

APPEAL NO. 14A-UI-00351-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC

Employer

OC: 05/05/13

Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit
871 IAC 26.14(7) - Late Call
Iowa Code § 17A.12-3 - Non-Appearence of Party
871 IAC 25.8(5) - Decision on the Record

STATEMENT OF THE CASE:

Matthew Ewing (claimant) appealed an unemployment insurance decision dated January 3, 2014, reference 04, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with QPS Employment Group, Inc. (employer) without good cause attributable to the employer. Notices of hearing were sent to both parties' last known addresses of record for a telephone hearing to be held at 11:00 a.m. on February 5, 2014. The appellant did not participate in the hearing. The administrative law judge considered the record closed at 11:10 a.m. At 11:15 a.m., the appellant/claimant called the Appeals Section and requested that the record be reopened. Exhibit One was admitted into evidence.

ISSUE:

The issue is whether the unemployment insurance decision previously entered in this case should be affirmed.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant received the hearing notice prior to the February 5, 2014 hearing and provided his telephone number in response. He did not answer the telephone when called for the hearing and the administrative law judge left specific instructions for the claimant to call the Appeals Bureau prior to 11:10 a.m. if he still wanted to do the hearing. The claimant called the Appeals Bureau on February 5, 2014, 15 minutes after the scheduled hearing. He said he was waiting for the call and did not hear the phone ring.

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

REASONING AND CONCLUSIONS OF LAW:

The first issue is whether the claimant has shown good cause to reopen the hearing. When a party responds to the notice of hearing after the record has been closed, the presiding officer shall not take the evidence but shall inquire as to why the party was late in responding to the notice of hearing. If the party establishes good cause, proper notice will be issued and the record shall be reopened. See 871 IAC 26.14(7)(b). However, it should be noted that a party's failure to read or follow the hearing notice instructions shall not be considered good cause. See 871 IAC 26.14(7)(c). The claimant was not available when called for the hearing and did not call the Appeals Bureau within ten minutes as directed. No reasonable excuse was provided. Good cause to reopen the hearing has not been established.

The administrative law judge has carefully reviewed evidence in the record and concludes that the unemployment insurance decision previously entered in this case is correct and should be affirmed. 871 IAC 25.8(5). If the appellant does not present any evidence at the appeal hearing, the administrative law judge has no grounds in law or fact to reverse the initial decision.

DECISION:

The unemployment insurance decision dated January 3, 2014, reference 04, is affirmed. The decision disqualifying the claimant from receiving benefits remains in effect.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs