

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

REMAH ALI
Claimant

APPEAL 21R-UI-23061-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

STAFF MANAGEMENT SOLUTIONS, LLC
Employer

**OC: 03/14/21
Claimant: Respondent (6)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871—24.10 – Employer/Representative Participation Fact-finding Interview
PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation
Iowa Code § 17A.12(3) – Default Decision
Iowa Admin. Code r. 871—26.14(7) – Dismissal of Appeal on Default

STATEMENT OF THE CASE:

The employer, Staff Management Solutions, LLC, filed an appeal from the May 6, 2021 (reference 03) unemployment insurance decision that allowed benefits. A hearing was held on July 29, 2021, for appeal 21A-UI-12612-AW-T. Claimant did not participate in the hearing. Employer participated in the hearing. After Administrative Law Judge Adrienne Williamson issued a decision, the claimant appealed to the Employment Appeal Board (EAB) stating they did not receive the hearing notice. On October 12, 2021, the EAB remanded this matter for a new hearing due to the claimant's non-participation in the hearing.

After the EAB remanded, due notice was issued, a hearing was scheduled to be held on December 8, 2021. The claimant did not follow the instructions on the hearing notice in order to call into the hearing at the scheduled time. Because the EAB did not vacate the original appeal decision for 21A-UI-12612-AW-T, that hearing record, including any exhibits, is adopted and incorporated herein.

ISSUE:

Should the original appeal decision be adopted?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's findings of fact in appeal 21A-UI-12612-AW-T is hereby adopted and incorporated herein as the findings of fact for appeal 21R-UI-23061-AR-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's reasoning and conclusions of law in appeal 21A-UI-12612-AW-T is hereby adopted and incorporated herein as the reasoning and conclusions of law for appeal 21R-UI-23061-AR-T. Benefits are denied.

Iowa Admin. Code r. 871—26.14(7) provides:

If a party has not responded to a notice of telephone hearing by providing the appeals bureau with the names and telephone numbers of the persons who are participating in the hearing by the scheduled starting time of the hearing or is not available at the telephone number provided, the presiding officer may proceed with the hearing. If the appealing party fails to provide a telephone number or is unavailable for the hearing, the presiding officer may decide the appealing party is in default and dismiss the appeal as provide in Iowa Code section 17A.12(3). The record may be reopened if the absent party makes a request to reopen the hearing under subrule 26.8(3) and shows good cause for reopening the hearing.

Here, the claimant did not follow the instructions on the hearing notice in order to call in to participate in the hearing before the record was closed 15 minutes after the hearing's start time. Although the claimant may have intended to participate in the hearing, the claimant's forgetfulness or negligence in failing to read or follow the hearing notice instructions does not constitute good cause to reopen the hearing. The claimant did not call in at any point and establish good cause to reopen the hearing record.

As the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's reasoning and conclusions of law in appeal 21A-UI-12612-AW-T is hereby adopted and incorporated herein as the reasoning and conclusions of law for appeal 21R-UI-23061-AR-T. Benefits are denied.

DECISION:

Inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's decision in appeal 21A-UI-12612-AW-T is hereby adopted and incorporated herein as the decision for appeal 21R-UI-23061-AR-T. The May 6, 2021 (reference 03) unemployment insurance decision remains reversed.



Alexis D. Rowe
Administrative Law Judge

January 14, 2022
Decision Dated and Mailed

ar/scn