

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TANYA Y DANIELS**  
Claimant

**APPEAL NO. 07A-UI-01687-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ACCESS DIRECT TELEMARKETING INC**  
Employer

**OC: 08/13/06 R: 02**  
**Claimant: Respondent (1)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The employer filed an appeal from a decision of a representative dated February 8, 2007, reference 03, which allowed benefits. After due notice, a telephone conference hearing was scheduled for and held on March 5, 2007. Although the employer (appellant) was provided notice, there was no participation by the appellant.

**ISSUE:**

The issue in this matter is whether the record establishes that the claimant's discharge took place for misconduct in connection with the work.

**FINDINGS OF FACT:**

The administrative law judge having reviewed all of the evidence in the record finds that the employer filed an appeal from the representative's decision and was provided proper notice advising the appellant of the time, the method of hearing and the issue before the administrative law judge. Although notified, the appellant did not provide a telephone number or participate in the hearing on this matter and did not request a postponement as advised in the notice provided.

**REASONING AND CONCLUSIONS OF LAW:**

Having reviewed all of the records in the file, the administrative law judge concludes that the representative's decision in this matter is correct and should be affirmed. The record also establishes that although the appellant was provided notice of the method of hearing, the time of hearing and the issue before the administrative law judge, the employer/appellant did not participate nor request a postponement in advance of the hearing as required in the notice that was provided to the employer/appellant. The representative's decision in this case shall become final 15 days after the date of this decision. If the employer wishes to reopen this matter it must provide a notification to the administrative law judge at the address provided within 15 days establishing emergency or other good cause that prevented the employer from participating or requesting a postponement in this matter.

**DECISION:**

The representative's decision of February 8, 2007, reference 03, is affirmed and shall become final 15 days after the decision in this matter unless a protest is received by the appellant establishing good cause for failing to participate in the scheduled hearing or request a postponement.

---

Terence P. Nice  
Administrative Law Judge

---

Decision Dated and Mailed

pjs/pjs