

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEANNA HELTSLEY  
2233 E GRAND AVE  
DES MOINES IA 50317-6519**

**APPEAL NO. 09A-UI-19027-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO BANK NA  
c/o TALX UCM SERVICES  
PO BOX 283  
ST LOUIS MO 63166-0283**

**APPEAL RIGHTS:**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:

***Employment Appeal Board  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319***

**DEANNA HELTSLEY  
227 E 16<sup>TH</sup> ST  
DES MOINES IA 50316**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

The name, address and social security number of the claimant.

A reference to the decision from which the appeal is taken.

That an appeal from such decision is being made and such appeal is signed.

The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEANNA HELTSLEY**  
Claimant

**APPEAL NO. 09A-UI-19027-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO BANK NA**  
Employer

**Original Claim: 04/26/09  
Claimant: Respondent (1)**

Section 96.5-2-a – Discharge  
871 IAC 26.8(5) – Decision on the Record

**STATEMENT OF THE CASE:**

The employer appealed a representative's December 14, 2009 decision (reference 06) that held the claimant qualified to receive benefits, and the employer's account subject to charge because the claimant had been discharged for nondisqualifying reasons. A telephone hearing was scheduled on February 18, 2010. Both the claimant and the employer's representative sent the Appeals Section letters before the February 18 hearing indicating they were not going to participate in the hearing. Therefore, 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. Both the claimant and the employer's representative informed the Appeals Section before the scheduled hearing that they were not going to participate in the hearing. Neither party requested in these recent letters another postponement.

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:**

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 presiding officer 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 presiding officer'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 of 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 presiding officer. Once a decision has become final as provided by statute, the presiding officer has no jurisdiction to reopen the record or vacate the decision. 871 IAC 26.8(3). The rules further provide that a request to reopen a record or vacate a decision may be heard ex parte by

the presiding officer. The granting or denial of such a request may be used as a grounds for appeal to the Employment Appeal Board of the Department of Inspections and Appeals after the presiding officer has issued a final decision in the case. 871 IAC 26.8(4). Finally, if good cause for postponement or reopening has not been shown, the presiding officer shall make a decision based upon whatever evidence is properly in the record. 871 IAC 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.

Pursuant to the rule, the employer must make a written request to the administrative law judge that the hearing be reopened within 15 days after the mailing date of this decision. The written request should be mailed to the administrative law judge at the address listed at the beginning of this decision and must explain the emergency or other good cause that prevented the employer from participating in the hearing at its scheduled time.

**DECISION:**

The representative's December 14, 2009 (reference 06) is affirmed. The decision holding the claimant qualified to receive benefits as of November 8, 2009, remains in effect. The employer's account will not be charged during the claimant's current benefit year. This decision will become final unless a written request establishing good cause to reopen the record is made to the administrative law judge within 15 days of the date of this decision.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw