

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The employer did not submit its answers to interrogatories by 5:00 p.m. Central Standard Time on November 7, 2005. As of the date of this decision, the employer has not responded to the claimant's discovery request.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the employer's appeal should be dismissed. It should.

Chapter 17A of the Code of Iowa allows parties to contested cases to engage in the same types of pre-hearing discovery as allowed in civil cases in the Iowa District Court. A provision of the Iowa Administrative Code, 871 IAC 26.9(a)e, allows an administrative law judge to dismiss an appeal if the appellant fails, without good cause, to respond to a discovery request. The evidence in this record establishes that Qwest has not answered the claimant's interrogatories and has not provided any justification for its failure to do so. Under these circumstances, the administrative law judge concludes that it is appropriate to dismiss the employer's appeal.

DECISION:

The unemployment insurance decision dated September 1, 2005, reference 02, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

dj/kjw