

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SOLOMON J REEVES**  
Claimant

**APPEAL NO. 13A-UI-03920-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EMPLOYMENT SERVICES  
LLC**  
Employer

**OC: 03/03/03**  
**Claimant: Appellant (5)**

Iowa Code section 96.5(1) – Voluntary Quit  
871 IAC 26.8(5) – Decision on the Record

**STATEMENT OF THE CASE:**

Solomon Reeves appealed from an unemployment insurance decision dated March 25, 2013, reference 01, that denied benefits. A telephone hearing was scheduled for June 24, 2013. Mr. Reeves provided a telephone number for the hearing, but was not available at that number at the scheduled time of the hearing. The administrative law judge made four attempts, from 11:00 a.m. to 11:19 a.m., to reach Mr. Reeves at the number he provided for the hearing. Mr. Reeves did not answer any one of the calls. The administrative law judge left a voice mail message in connection with each of the calls. The employer was available for the hearing through Adam Aswegan. Based on the appellant's failure to participate in the hearing, the administrative file, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law and decision.

**ISSUE:**

Decision on the record.

**FINDINGS OF FACT:**

The parties were properly notified of the scheduled hearing on this appeal. The appellant, Solomon Reeves, responded to the hearing notice instructions and provided a telephone number at which he could be reached for the hearing: 319-429-9995. However, at the scheduled time of the hearing, the appellant was not available at the telephone number he provided. The appellant did not request a postponement of the hearing as required by the hearing notice.

The administrative law judge has conducted a careful review of the administrative file to determine whether the unemployment insurance decision should be affirmed. The administrative file materials indicate that Mr. Reeves was a full-time certified nursing assistant.

Mr. Reeves was released by a doctor to return to work on January 30, 2013 without restrictions. Mr. Reeves did not return to work. The employer made multiple attempts to reach Mr. Reeves to facilitate his return to work. The employer waited until February 18, 2013 to consider the employment terminated.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 26.8(3), (4) and (5) provide:

Withdrawals and postponements.

(3) If, due to emergency or other good cause, a party, having received due notice, is unable to attend a hearing or request postponement within the prescribed time, the presiding officer may, if no decision has been issued, reopen the record and, with notice to all parties, 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.

(4) 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 upon the issuance of the presiding officer's final decision in the case.

(5) 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.

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 insofar as it disqualified Mr. Reeves for benefits. However, the fact-finding materials establish a voluntary quit without good cause attributable by virtue of failing to return to work at the end of an approved leave of absence. If an employee fails to return to work at the end of a leave of absence and subsequently becomes unemployed, the individual is considered as having voluntarily quit and is ineligible for benefits. See Iowa Administrative Code rule 871 IAC 24.22(j)(2). See also Iowa Code section 96.5(1)(disqualifying claimants for benefits where they have voluntarily quit without cause attributable to the employer).

Pursuant to the administrative rule regarding decisions on the record, the appellant 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 appellant from participating in the hearing at its scheduled time.

**DECISION:**

The Agency representatives March 25, 2013, reference 01, decision is modified as follows. The claimant voluntarily quit without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount, provided he must also meet all other eligibility requirements. The employer's account will not be charged. The decision disqualifying the claimant from receiving benefits remains in effect. 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.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/pjs