

871—26.6(17A,96) Notice of hearing.

26.6(1) A telephone or in-person hearing shall not be scheduled before the seventh calendar day after the parties receive notice of the hearing. Notice of hearing shall be sent by first-class mail to all parties at their last-known address and shall include:

a. The date, time and place of an in-person hearing, or the date and time of a telephone hearing, including instructions for calling the appeals section in advance of the hearing to provide the names and telephone numbers of all witnesses; and

b. The nature of the hearing, including the legal authority and jurisdiction under which the hearing is held; and

c. A statement of the issues and the applicable sections of the Iowa Code or Iowa Administrative Code; and

d. A description of who will serve as presiding officer.

26.6(2) The seven-day notice of hearing may be waived upon the agreement of the parties.

26.6(3) An in-person hearing shall be scheduled in the following workforce development centers: Burlington, Carroll, Cedar Rapids, Creston, Council Bluffs, Davenport, Decorah, Des Moines, Dubuque, Fort Dodge, Mason City, Ottumwa, Sioux City, Spencer, Storm Lake, and Waterloo.

26.6(4) A hearing shall be scheduled promptly and shall be conducted by telephone unless a party requests that it be held in person. A request for an in-person hearing may be denied if factors such as the distance between the parties, the number of parties or the health of any party makes it impractical or impossible to conduct a fair hearing in person. An in-person hearing may be scheduled at the discretion of the presiding officer to whom the contested case is assigned or, in that presiding officer's absence, the chief administrative law judge of the appeals section. The party requesting an in-person hearing will ordinarily be required to travel the greater distance if all parties are not located near the same hearing site. As a matter of discretion, the appeals section may schedule an in-person hearing at a regular hearing site approximately equidistant from the parties. In the discretion of the presiding officer to whom the contested case is assigned, witnesses or representatives may be allowed to participate via telephone in an in-person hearing, provided that each party has at least one witness present at the hearing site. When two or more parties are involved, the evidence shall be presented during the same hearing.

26.6(5) Whenever it appears that other parties should be joined to dispose of all issues in a contested case, the presiding officer shall so order and shall grant such continuance and hold such additional proceedings, upon notice to all parties, as may be necessary.

26.6(6) Any number of appeals involving similar issues of law or fact may be consolidated for hearing so long as no substantial rights of any party would be prejudiced by so doing.

26.6(7) Any party may appear in any proceeding. Any partnership, corporation, or association may be represented by any of its members, officers, or a duly authorized representative. Any party may appear by, or be represented by, an attorney-at-law or a duly authorized representative of an interested party.

26.6(8) Where a party not attending the hearing will be represented by another person, such person shall submit written proof of such representation, signed by the party such person purports to represent, at least three days before the hearing to the presiding officer.