BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building

Fourth floor
Des Moines, Iowa 50319

CRAIG A ESTES

HEARING NUMBER: 17BUI-06848

Claimant

Employer

and

EMPLOYMENT APPEAL BOARD

DECISION

CATHOLIC HEALTH INITIATIVES-IOWA

SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

The notice of hearing in this matter was mailed, initially, setting the hearing for July 24, 2017. The Claimant contacted the agency providing his telephone number and requested a postponement that was granted. A new notice was sent for which he requested another postponement that was granted. The new notice set a hearing for August 15, 2017. The Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because the Claimant did not receive a phone call to participate. When he realized he didn't receive the call, he contacted the agency, but the record was closed.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2015) provides:

4. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of a administrative law judge on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The appeal board shall permit such further appeal by any of the parties interested in a decision of an administrative law judge and by the representative whose decision has been overruled or modified by the administrative law judge. The appeal board shall review the case pursuant to rules adopted by the appeal board. The appeal board shall promptly notify the interested parties of its findings and decision.

Here the Claimant did not participate in the hearing through no fault of the Claimant. The Claimant complied with the notice instructions, initially, but did not re-register his number when the new notice was sent to him. He reasonably believed it was not necessary since he'd already provided his telephone number after receiving the first notice. He attempted to gain access once he realized he wasn't called, but it was too late. The Claimant has established his intention to follow through with the

process. avail hims	For this reason, self of his due pro	we shall remand ocess right.	this matter for	another hearin	g so that the	Claimant may

DECISION:

The decision of the administrative law judge dated August 16, 2017 is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this remand. This matter is remanded to an administrative law judge in the Workforce Development Center, Appeals Section. The administrative law judge shall conduct a hearing following due notice. After the hearing, the administrative law judge shall issue a decision which provides the parties appeal rights.

Kim D. Schmett
Ashley R. Koopmans
James M. Strohman

AMG/fnv