

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

CHRISTINA L ZINK

Claimant,

and

DES MOINES IND COMM SCHOOL DIST

Employer.

:
:
:
:
:
:
:
:
:
:
:

HEARING NUMBER: 14B-UI-04486

**EMPLOYMENT APPEAL BOARD
DECISION**

SECTION: 10A.601 Employment Appeal Board Review

D E C I S I O N

FINDINGS OF FACT:

The notice of hearing in this matter was mailed May 7, 2014. The notice set a hearing for May 20, 2014. The Employer did not appear for or participate in the hearing. The reason the Employer did not appear is because the Employer did not provide a telephone number at which she could be reached for the hearing. When the Employer didn't receive the call, she contacted the administrative law judge approximately 15 minutes after the scheduled start of the hearing.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2011) 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 Employer did not participate in the hearing because she had not provided a telephone number for the administrative law judge to call. When the Employer did not receive a call, the Employer contacted the administrative law judge within a reasonable timeframe after the scheduled hearing time, which established the Employer's intention to follow through with the appeals process. For this reason, the matter will be remanded for another hearing before an administrative law judge so that the Employer may avail itself of its due process right.

DECISION:

The decision of the administrative law judge dated May 21, **2014** (corrected year) is not vacated. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau. 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

Cloyd (Robby) Robinson

Ashley R. Koopmans

AMG/fnv