



understand the Notice of Hearing affected his ability to timely respond to its contents, so did he lack the ability to

effectively participate in the hearing. His nonparticipation in the hearing was through no fault of the claimant. Although the claimant may have received the Notice of Hearing, it was not meaningful to him. There is no question that due process principles apply in the context of hearings for persons seeking unemployment benefits. Silva v. Employment Appeal Board, 547 N.W.2d 232 (Iowa App. 1996). Two of the benchmarks of due process are adequate notice and meaningful opportunity to be heard. Iowa courts have held that due process requires "the opportunity to be heard at a meaningful time and a meaningful manner." Hedges v. Iowa Department of Job Service, 368 N.W.2d 862 (Iowa App. 1985).

The claimant was not afforded due process rights. The claimant was precluded from fully participating in the hearing before the administrative law judge because the notice was not "meaningful" when he received it and required further time and effort on his part to gain its meaning. While the claimant was literally provided notice, this document had no meaningful effect such that he could timely comply with the document's instructions. Thus, the notice did not give the claimant an opportunity to be heard at a meaningful time and in a meaningful manner.

Because the Board's decision turns on the procedural issue of due process, we cannot reach the substantive questions in this case. For this reason, we would remand this matter for new hearing before an administrative law judge.

**DECISION:**

The decision of the administrative law judge dated August 21, 2008 is not vacated. 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.

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John A. Peno

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