

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

FRANKLIN D STROUGHN

Claimant

: **APPEAL NUMBER:** 23B-UI-02714

: **ALJ HEARING NUMBER:** 23A-UI-02714

:

and

:

EMPLOYMENT APPEAL BOARD

:

DECISION

:

**MERCY HEALTH SERVICES-IOWA
CORP**

:

:

Employer

SECTION: 10A.601 Employment Appeal Board Review

D E C I S I O N

FINDINGS OF FACT:

The Claimant filed an appeal from the March 8, 2023, (reference 02), unemployment insurance decision which denied benefits based on a discharge for violation of a known company rule. The Claimant appealed. A hearing was scheduled for March 30, 2023, but the Claimant failed to participate, and no hearing was held. The administrative law judge entered a default decision; however, the Statement of the Case reflects the Claimant was allowed benefits, and determined that "...reference 02) unemployment insurance decision allowing benefits remains in effect as the appellant is in default." These statements are contrary to the agency's prior decision that denied benefits.

The Employer appealed the administrative law judge's decision that determined the Claimant was allowed benefits. The Claimant did not appeal.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2019) provides:

5. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of an 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.

The Employment Appeal Board concludes that the record as it stands is insufficient for the Board to issue a decision, as the decision is incorrect based on its determination that the Claimant was allowed benefits. This decision directly contradicts the Claimant's disqualification set forth in the March 8, 2023, (reference 02), unemployment insurance decision. Because of this error, the Employer believed they were aggrieved. The Claimant, on the other hand, had no reason to appeal based on this decision. In order to rectify this confusing circumstance, the Board shall remand this matter so that the administrative law judge may enter a decision consistent with the March 8, 2023 unemployment insurance decision.

DECISION:

The decision of the administrative law judge dated March 31, 2023 is vacated. This matter is remanded to an administrative law judge for a new decision that is consistent with the unemployment insurance decision. That decision should also provide the parties appeal rights.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

AMG/fnv