



**DECISION:**

The decision of the administrative law judge dated August 21, 2009 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.

---

John A. Peno

---

Elizabeth L. Seiser

---

Monique F. Kuester

AMG/fnv