

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

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ROBERT M DELPIERRE

Claimant,

and

DES MOINES REGIONAL TRANSIT  
AUTHORITY/

Employer.

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HEARING NUMBER: 09B-UI-13365

EMPLOYMENT APPEAL BOARD  
DECISION

NOTICE

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.5-2-a**

DECISION

**UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE**

**STATEMENT OF THE CASE:**

The issue of timeliness was raised when the employer filed an appeal postmarked October 23, 2009, nearly three weeks beyond the statutory deadline of October 4, 2009. The reason for the delay was because the employer didn't receive the Notice of Decision until October 21, 2009. For this reason, we find good cause has been established for the late appeal, and the board shall consider it to be timely.

The employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

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John A. Peno

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Elizabeth L. Seiser

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