

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

AMOS M WRIGHT
Claimant

APPEAL NO. 08O-UI-06139-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OZARK AUTOMOTIVE DISTRIBUTORS INC
Employer

**OC: 04/13/08 R: 02
Claimant: Appellant (5)**

Iowa Code Section 96.6(2) – Appeal to Employment Appeal Board

STATEMENT OF THE CASE:

In Hearing Number 08B-UI-04538, the Employment Appeal Board remanded this matter to the Appeals Section for a new hearing. The remand was based on the conclusion that the digital voice record of the May 22, 2008 hearing conducted by Administrative Law Judge Terrence Nice could not be located. The Appeals Section scheduled a new hearing for July 29, 2008 and mailed notice to the parties on July 18, 2008. On July 28, 2008, before the new hearing occurred, the undersigned administrative law judge located the digital voice record of the May 22, 2008 hearing on the Agency's computer server. The Appeals Section alerted the Employment Appeal Board of the existence of the digital record. The Employment Appeal Board retains jurisdiction to hear and rule upon the employer's appeal to that body. The administrative law judge has notified both parties that the July 29, 2008 appeal hearing is canceled and that the employer's appeal to the Employment Appeal Board will go forward.

REASONING AND CONCLUSIONS OF LAW:

A party may appeal an administrative law judge's decision to the Employment Appeal Board created in Iowa Code section 10A.601. See Iowa Code section 96.6(3).

Given that the digital record of the May 22, 2008 appeal hearing before Administrative Law Judge Terrence Nice has been located and is available for the Employment Appeal Board to review, there is no need for a new appeal hearing at this time. The Employment Appeal Board retains jurisdiction to hear the employer's appeal to that body. The employer's appeal to the Employment Appeal Board from the administrative law judge decision in Appeal Number 08A-UI-04538-NT will go forward.

DECISION:

The appeal hearing scheduled in this matter is canceled. The Employment Appeal Board retains jurisdiction to hear the employer's appeal to that body. The employer's appeal to the Employment Appeal Board from the decision in Appeal Number 08A-UI-04538-NT will go forward.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs