

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

---

**ASHAU S SAMMONS**

Claimant

and

**DOLGENCORP LLC**

Employer

**HEARING NUMBER: 18BUI-12403**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**SECTION:** 10A.601 Employment Appeal Board Review

**D E C I S I O N**

**FINDINGS OF FACT:**

The notice of hearing in this matter was mailed December 7, 2017. The notice set a hearing for December 21, 2017. Neither the Employer, nor its representative appeared for or participated in the hearing. The reason neither party appeared is because the representative did not receive the Notice of Hearing. Neither party knew the hearing was taking place.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 10A.601(4) (2015) provides:

4. 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.

Here neither the Employer nor its representative participated in the hearing through no fault of the parties. These parties did not participate because they did not receive the Notice of Hearing and did not know that a hearing was taking place. For this reason, the matter will be remanded for another hearing before an administrative law judge.

12403

**DECISION:**

The decision of the administrative law judge dated December 22, 2017 is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this remand. 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.

**NOTE TO EMPLOYER:**

The Employment Appeal Board would also reiterate the change of address instructions on the cover page of the administrative law judge's decision (at the bottom). It is the Employer's responsibility to properly register any legal representative it wishes to receive hearing notices and decisions. Equifax is not currently registered to represent the Employer in the appeals process. The Board will not continue to excuse a party's failure to properly register its legal representative. The Employer must go online to access information regarding any contact changes or additions the Employer wishes to make at:

<https://www.myiowaui.org/UITIPTaxWeb/>

---

Kim D. Schmett

---

Ashley R. Koopmans

---

James M. Strohman

AMG/fnv