

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

GRANT M KORTE

Claimant

and

LACOSTA INC

Employer

HEARING NUMBER: 20BUI-02075

**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 initially mailed March 1, 2020. The notice set a hearing for March 25, 2020. A new notice was mailed on March 24, 2020, rescheduling the hearing for April 22, 2020. The Employer complied with the notice instructions by providing two contact numbers to be called for the hearing. On the day of the hearing, the Employer did not appear for or participate in the hearing. The reason the Employer did not appear is because the Employer experienced technical difficulties in its call forwarding system on one contact number. The second contact number was never called, and the Employer did not receive any call to participate. The Employer did not know the hearing was taking place.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2019) 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 the Employer did not participate in the hearing through no fault of the Employer. The Employer complied with the notice instructions by providing contact information (two separate numbers). Although the Employer could not be reached at one number, the second number was never called to allow the Employer access to the process. Under this circumstance, we find the Employer has

established its intention to follow through with the appeals process. For this reason, we shall remand this matter for another hearing before an administrative law judge to allow the Employer its due process right.

Page 2
20B-

UI-02075

DECISION:

The decision of the administrative law judge dated April 22, 2020 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.

Ashley R. Koopmans

James M. Strohman

Myron R. Linn

AMG/fnv