

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

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**JASON A REIMAN**

Claimant

and

**SWIFT PORK COMPANY**

Employer

**HEARING NUMBER: 19BUI-12355**

**EMPLOYMENT APPEAL BOARD  
DECISION**

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

**DECISION**

**FINDINGS OF FACT:**

The notice of hearing in this matter was mailed January 2, 2019. The notice set a hearing for January 14, 2019. The Claimant contacted the agency to provide a telephone number at which he could be reached for the hearing. On the day of the hearing, the Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because he found a job and could not be unavailable for the hearing. When he contacted the agency on January 9<sup>th</sup>, he was advised to submit a written statement in lieu of testimony. On the day of the scheduled hearing, the administrative law judge attempted to unsuccessfully call the Claimant at the number he provided. The administrative law judge issued a default decision, and made no mention of the statement provided.

**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 the Claimant did not participate in the hearing through no fault of the Claimant. The Claimant complied with the notice instructions by providing a number where he could be reached. His lack of participation was due to the fact he obtained employment and could not be available. The Claimant, again, complied with the agency's directive that he provide a written statement to support his case. There is nothing in the record to show the administrative law judge considered those documents. Although the administrative law judge entered a default decision based on the Claimant's failure to appear at the hearing, the Board finds that the Claimant provided good cause for his nonparticipation. For this reason, the matter will be remanded for another hearing before an administrative law judge.

**DECISION:**

The administrative law judge's default decision dated January 14, 2019 is vacated. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau. 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.

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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

AMG/fnv