

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

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**STEPHEN W BAKER**

Claimant,

and

**CASEY'S MARKETING CO**

Employer.

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**HEARING NUMBER: 15B-UI-12414**

**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 8, 2014. The notice set a hearing for December 22, 2014. The reason the Claimant did not appear is because the Claimant did not provide a telephone number at which he could be reached, and he did not receive a call to participate. The reason the Employer did not appear is because the Employer was not available at the number he provided for the hearing. Both parties contacted the administrative law judge within 20 minutes after the scheduled start of the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 10A.601(4) (2011) provides:

4. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of a 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.

Neither party participated in the hearing because one party had not provided a telephone number; and the other party was not available at the number provided for the hearing. Both parties, however, contacted the administrative law judge within a reasonable timeframe after the scheduled hearing time, which established their intention to follow through with the appeals process. For this reason, the matter will be remanded for another hearing before an administrative law judge so that the parties may avail themselves of their due process right.

We caution both the Claimant and the Employer that, barring exceptional circumstances, we will not again excuse either party for failing to call in a number, or be available at a given number, where either party could be reached.

**DECISION:**

The decision of the administrative law judge dated December 31, 2014 is not 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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James M. Strohman

AMG/fnv