

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
Website: eab.iowa.gov**

MICHAEL N DAVIDSON

Claimant

and

MANPOWER US INC

Employer

: **APPEAL NUMBER:** 23B-UI-05737

: **ALJ HEARING NUMBER:** 23A-UI-05737

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: **EMPLOYMENT APPEAL BOARD
DECISION**

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SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

The notice of hearing in this matter was mailed June 8, 2023. The notice set a hearing for June 26, 2023. The Employer did not appear for or participate in the hearing. The reason the Employer did not appear is because Employer's representative, who filed the appeal, did not receive the Notice of Hearing because the new address of record was not recorded. The Employer, nor its representative 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 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.

Here the Employer did not participate in the hearing through no fault of the Employer. The Employer relied on its representative, who never received the Notice of Hearing, to alert it of the hearing date. But the representative never received the Notice of Hearing because its address was not recorded. For this reason, the matter will be remanded for another hearing before an administrative law judge.

DECISION:

The decision of the administrative law judge dated June 28, 2023 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 who shall conduct a hearing following due notice. After the hearing, the administrative law judge shall issue a decision which provides the parties appeal rights.

Please note the way you appear at the hearing has changed. When you receive the Notice of Hearing, please read and follow the instructions carefully.

NOTE TO EMPLOYER:

If you wish to change the address of record, please access your account at:

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

Helpful information about using this site may be found at:

<http://www.iowaworkforce.org/ui/uiemployers.htm> and

<http://www.youtube.com/watch?v= mpCM8FGQoY>

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

SRC/fnv