

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

CHRISTINE MCKNIGHT

Claimant,

and

WELLS FARGO BANK NA

Employer.

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HEARING NUMBER: 11B-UI-07244

**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 June 14, 2011. The notice set a hearing for June 28, 2011. The Claimant contacted the administrative law judge prior to the hearing to provide a telephone number at which she could be reached to participate. She received a control number (#213). When the hearing time came, she did not receive a call from the administrative law judge. She tried to call in, but was unable to gain access. The Claimant did not participate, and did not know the hearing was taking place.

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.

Here the Claimant did not participate in the hearing through no fault of the Claimant. She complied with the notice instructions, but for some unknown reason that number did not get passed on to the administrative law judge, as the judge did not call her to participate. Having established good cause for her nonparticipation, the Board shall remand this matter for another hearing before an administrative law

judge.

DECISION:

The decision of the administrative law judge dated July 5, 2011 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.

Monique F. Kuester

Elizabeth L. Seiser

AMG/fnv