

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

DAVID B DELGADO

Claimant,

and

IOWA WORKFORCE DEVELOPMENT

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HEARING NUMBER: 09B-UI-08038

EMPLOYMENT APPEAL BOARD
DECISION AFTER GRANTED REHARING

NOTICE

THIS DECISION BECOMES FINAL unless a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

SECTION: 96.3-7

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

STATEMENT OF THE CASE:

The claimant filed an application for rehearing on the above-listed matter that was granted. A Decision and Order was sent to both parties indicating that the claimant had timely filed his written argument, however, said argument did not arrive in the Board's office until after a decision had been rendered. The Decision and Order stated that the Board would review the claimant's written argument and re-issue a decision in consideration of the same. The Board is now ready to issue its decision.

The claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The claimant submitted a written argument to the Employment Appeal Board. The Employment Appeal Board reviewed the argument. A portion of the claimant's appeal to the Employment Appeal Board consisted of additional evidence which was not contained in the administrative file and which was not submitted to the administrative law judge due to the claimant's failure to appear at the hearing. While the

additional evidence (argument) was reviewed, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision. The claimant's reason for not participating in the hearing was not good cause to remand this matter for a new hearing.

John A. Peno

Elizabeth L. Seiser

Monique F. Kuester

AMG/fnv