

**BEFORE THE
EMPLOYMENT APPEAL BOARD
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Website: eab.iowa.gov**

JUDD E BORK

Claimant

: **APPEAL NUMBER:** 24B-UI-11025

: **ALJ HEARING NUMBER:** 23A-UI-11025

:

and

:

**EMPLOYMENT APPEAL BOARD
DECISION**

:

DEERE & COMPANY

:

:

Employer

:

SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

The notice of hearing in this matter was mailed November 30, 2023. The notice set a hearing for December 13. The Claimant, the respondent in this case, did not appear for or participate in the hearing. The reason the Claimant did not appear is because he did not receive the Notice of Hearing and did not know the hearing was taking place. The administrative law judge held a hearing with the Employer, the appellant, and denied the Claimant benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2015) provides:

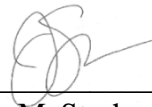
4. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of a administrative law judge on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate 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 Claimant did not participate in the hearing through no fault of his own. The Claimant did not participate because he did not receive the Notice of Hearing and did not know that a hearing was taking place. Although the administrative law judge entered a decision against the Claimant based on the Employer's testimony and evidence, 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.

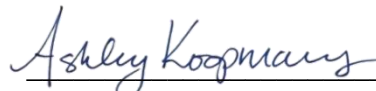
DECISION:

The decision of the administrative law judge dated December 14, 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.

When you receive the Notice of Hearing, please read and follow the instructions carefully. Also note, the Board will not remand the hearing for this issue again. The Claimant should contact the Unemployment Insurance Appeals Bureau if he does not receive a notice of hearing within a week to have it emailed to him.



James M. Strohman



Ashley R. Koopmans

SRC/fnv

DATED AND MAILED: JAN 25 2024